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29th Legislature, 1st Session (1971)

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An Act to Amend The Income Tax Act

The Attorney General
Department of Justice



EX-100-000

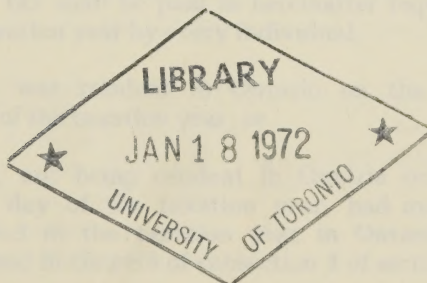
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1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Legislative assembly

An Act to amend The Income Tax Act

THE HON. E. A. WINKLER
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 1

1971

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 15 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by striking out “subsection 1 of section 63” in the second and third lines and inserting in lieu thereof “section 104”. s. 1 (1) par. 15,
amended

(2) Paragraph 17 of subsection 1 of the said section 1 is repealed. s. 1 (1) par. 17,
repealed

(3) Subparagraph ii of paragraph 27 of subsection 1 of the said section 1 is amended by striking out “subsection 13 of section 63” in the third line and inserting in lieu thereof “subsection 23 of section 104”. s. 1 (1),
par. 27 (ii),
amended

2. Section 2 of the said Act is repealed and the following substituted therefor: s. 2,
re-enacted

2. An income tax shall be paid as hereinafter required for each taxation year by every individual, Income tax
on
individuals

(a) who was resident in Ontario on the last day of the taxation year; or

(b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

3.—(1) Clause *f* of subsection 3 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 22, section 1, is repealed and the following substituted therefor: s. 3 (3) (f),
re-enacted

- (f) 28 per cent in respect of the 1967, 1968, 1969 and 1970 taxation years;
- (g) 27.5 per cent in respect of the 1971 taxation year; and
- (h) 30.5 per cent in respect of the 1972 taxation year.

s. 3 (4) (a),
re-enacted

(2) Clause *a* of subsection 4 of the said section 3 is repealed and the following substituted therefor:

- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act for the taxation year in respect of which that expression is being applied computed as if the taxpayer were not entitled to any deduction under section 126 or 127 of that Act;

s. 3 (4) (b),
amended

(3) Clause *b* of subsection 4 of the said section 3 is amended by striking out "subsection 3 of section 33" in the fourth line and inserting in lieu thereof "subsection 4 of section 120".

s. 3 (4) (d),
re-enacted

(4) Clause *d* of subsection 4 of the said section 3 is repealed and the following substituted therefor:

- (d) "income for the year" means,

- (i) in the case of an individual resident in Canada during part only of the taxation year in respect of whom section 114 of the Federal Act applies, the aggregate of,

- (A) his income for the period or periods in the year referred to in clause *a* of section 114 of the Federal Act as determined in accordance with and for the purposes of the Federal Act, and

- (B) his income for the portion of that year that is not included in the period or periods referred to in sub-subclause A, computed under clauses *a*, *b* and *c* of subsection 1 of section 115 of the Federal Act as though such portion of the year were the whole taxation year,

- (ii) in the case of an individual not resident in Canada at any time in the taxation year, his income for the year as computed under clauses *a*, *b* and *c* of subsection 1 of section 115 of the Federal Act, and

- (iii) in the case of any other individual, his income for the year as determined in accordance with and for the purposes of the Federal Act.

(5) Clause *e* of subsection 4 of the said section 3 is repealed. ^{s. 3 (4) (e),}
repealed

(6) Subsection 5 of the said section 3 is amended by ^{s. 3 (5),}
striking out “subsection 2 of section 32” in the second line amended
and inserting in lieu thereof “subsection 6 of section 117”.

(7) Subsection 6 of the said section 3 is repealed and the ^{s. 3 (6),}
following substituted therefor: re-enacted

(6) Where an individual resided in Ontario on the last day ^{Foreign Tax}
of a taxation year and had income for the year that ^{Credit}
included income earned in a country other than
Canada in respect of which any non-business-income
tax was paid by him to the government of a country
other than Canada, he may deduct from the tax
payable by him under this Act for that taxation
year an amount equal to the lesser of,

- (a) the amount, if any, by which any non-business-income tax paid by him for the year to the government of such other country exceeds the amount claimed under the Federal Act as a deduction for that taxation year by virtue of subsection 1 of section 126 of that Act; or

- (b) that proportion of the tax otherwise payable under this Act for that taxation year that,

- (i) the aggregate of the taxpayer’s income from sources in that country,

- (A) for that year, if section 114 of the Federal Act is not applicable,
or

- (B) if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph *a* thereof,

on the assumption that no businesses were carried on by him,

is of,

- (ii) the taxpayer’s income,

- (A) for the year, if section 114 of the Federal Act is not applicable,
or

- (B) if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph *a* thereof,

minus any amounts deductible under clause *b* of subsection 1 of section 111 or section 112 or 113 of the Federal Act for the year or such period or periods, as the case may be.

- s. 3,
amended (8) The said section 3 is amended by adding thereto the following subsection:

Non-business-
income tax
defined

- (7) For the purposes of subsection 6, the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under clause *c* of subsection 7 of section 126 of the Federal Act for the purposes of that Act.

s. 4,
repealed

4. Section 4 of the said Act is repealed.

s. 5 (1),
amended

- 5.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “subsection 1 of section 42” in the fourth line and inserting in lieu thereof “subsection 1 of section 119”.

s. 5, (1), (a),
amended

- (2) Clause *a* of subsection 1 of the said section 5 is amended by striking out “section 42” in the fourth line and in the ninth line and inserting in lieu thereof in each instance “section 119”.

s. 5 (1) (c),
amended

- (3) Clause *c* of subsection 1 of the said section 5 is amended by striking out “section 42” in the sixth line and inserting in lieu thereof “section 119”.

s. 5 (2) (a) (ii),
amended

- (4) Subclause ii of clause *a* of subsection 2 of the said section 5 is amended by striking out “section 33” in the fourth line and inserting in lieu thereof “section 120”.

s. 5 (3),
amended

- (5) Subsection 3 of the said section 5 is amended by striking out “section 42” in the seventh line and inserting in lieu thereof “section 119”.

s. 5 (6),
amended

- (6) Subsection 6 of the said section 5 is amended by striking out “section 42” in the second line and in the third line and inserting in lieu thereof in each instance “section 119”.

6. Section 6 of the said Act is amended by striking out s. 6, "section 62" in the third line and inserting in lieu thereof ^{amended} "section 149".

7. The said Act is amended by adding thereto the following ^{s. 6a, enacted} section:

6a. There may be deducted from the tax otherwise ^{Deduction} payable for the 1972 taxation year by an individual, an amount equal to 3 per cent of the tax payable under clause *h* of subsection 3 of section 3.

8. Subsection 4 of section 7 of the said Act is repealed and ^{s. 7 (4), re-enacted} the following substituted therefor:

(4) Where a partner or an individual who is a pro- ^{Death of partner, proprietor} prietor of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the taxpayer's income as a member of the partnership or as a proprietor of the business, after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax under this Part shall be paid on the taxpayer's income as such member or proprietor after the close of the fiscal period to the time of death as if that income were the income of another person.

9.—(1) Subsection 4 of section 9 of the said Act is repealed ^{s. 9 (4), re-enacted} and the following substituted therefor:

(4) The Provincial Minister may at any time assess ^{Idem} tax, interest or penalties under this Act or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for a taxation year and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an

original assessment or of a notification that no tax is payable for a taxation year; and

- (b) within four years from the day referred to in subclause ii of clause *a* in any other case,

reassess or make additional assessments or assess tax, interest or penalties as the circumstances require.

Idem

- (4a) Notwithstanding subsection 4, there shall not be included in computing the income of a taxpayer for the purpose of any reassessment, additional assessment or assessment of tax, interest or penalties that is made after the expiration of four years from the day referred to in subclause ii of clause *a* of subsection 4, any amount,

- (a) that was not included in computing his income for the purposes of an assessment of tax made prior to the expiration of four years from that day; and

- (b) in respect of which the taxpayer establishes that the failure to so include it did not result from any misrepresentation that is attributable to neglect, carelessness or wilful default or from any fraud in filing a return of his income or in supplying any information under this Act.

s. 9 (6),
re-enacted

- (2) Subsection 6 of the said section 9 is repealed and the following substituted therefor:

Idem

- (6) Where a taxpayer has filed the return required by section 7 for a taxation year and, within one year from the day on or before which he was required by section 7 to file the return for that year, has filed an amended return for the year claiming a deduction from income under section 111 of the Federal Act in respect of non-capital losses, net capital losses or restricted farm losses sustained in the taxation year immediately following that year, the Provincial Minister shall reassess the taxpayer's tax for the year.

s. 10 (1) (h),
amended

- 10.** Clause *h* of subsection 1 of section 10 of the said Act is amended by striking out "section 79c" in the second line and inserting in lieu thereof "section 147".

s. 11 (2),
amended

- 11.** Subsection 2 of section 11 of the said Act is amended by striking out "section 48" in the fourth line and inserting in lieu thereof "section 155".

12. Subsection 2 of section 12 of the said Act is amended ^{s. 12 (2), amended} by striking out "section 49" in the fourth line and inserting in lieu thereof "section 156".

13. Section 14 of the said Act is repealed and the following ^{s. 14, re-enacted} substituted therefor:

14. Sections 159 and 160, subsection 2 of section 104, ^{Application of certain provisions} paragraph *e* of subsection 23 of section 104 and subsection 2 of section 70 of the Federal Act apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom such provisions apply in respect of tax payable under the Federal Act for the same taxation year.

14.—(1) Subsections 1 and 2 of section 15 of the said Act ^{s. 15 (1, 2), re-enacted} are repealed and the following substituted therefor:

- (1) Where the amount paid on account of tax payable ^{General} by a taxpayer under this Act for a taxation year before the expiration of the time allowed for filing the return for that year is less than the amount of tax payable for the year under this Act, the person liable to pay the tax shall pay interest at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act on the difference between those two amounts from the expiration of the time for filing the return to the day of payment.
- (2) In addition to the interest payable under subsection 1, ^{Interest on instalments} where a taxpayer, being required by this Act to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he is liable to pay interest thereon under subsection 1, whichever is earlier.

(2) Subsection 4 of the said section 15 is amended by ^{s. 15 (4), amended} striking out "section 54" in the sixth line and inserting in lieu thereof "section 161".

(3) Subsection 7 of the said section 15 is amended by ^{s. 15 (7), amended} striking out "section 27" in the first line and in the eleventh line and inserting in lieu thereof in each instance "section 111".

s. 16 (4),
amended

15. Subsection 4 of section 16 of the said Act is amended by striking out "section 55" in the fourth line and inserting in lieu thereof "section 162".

s. 17,
amended

16. Section 17 of the said Act is amended by adding thereto the following subsections:

Penalty
for failure
to file
returns

- (2) Every person who wilfully attempts to evade payment of the tax payable by him by wilfully failing to file a return of income as and when required by subsection 1 of section 7 is liable to a penalty of 50 per cent of the amount of tax sought to be evaded.

Onus on
Provincial
Minister

- (3) Where in any appeal under this Act a penalty assessed by the Provincial Minister under this section is in issue, the onus of establishing the facts justifying the assessment of the penalty rests upon the Provincial Minister.

s. 18 (3),
amended

17.—(1) Subsection 3 of section 18 of the said Act is amended by striking out "Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of," in the first, second, third and fourth lines and inserting in lieu thereof: "Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the rate per annum prescribed for the purposes of subsection 3 of section 164 of the Federal Act shall be paid or applied thereon for the period commencing with the latest of".

s. 18 (4),
re-enacted

(2) Subsection 4 of the said section 18 is repealed and the following substituted therefor:

Idem,
after court
judgment

- (4) Where, by a decision of the Provincial Minister under section 19 or by a decision of the Supreme Court of Ontario or the Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Act is less than the amount assessed by the assessment under section 9 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act instead of that prescribed for the purposes of subsection 3 of section 164 of the Federal Act.

(3) Subsection 5 of the said section 18 is amended by ^{s. 18 (5),} amended striking out "subsection 3a of section 57" in the second line and inserting in lieu thereof "subsection 4 of section 164".

(4) Subsection 7 of the said section 18 is amended by ^{s. 18 (7),} amended striking out "section 27" in the first line and in the eleventh line and inserting in lieu thereof in each instance "section 111".

(5) The said section 18 is amended by adding thereto the ^{s. 18,} amended following subsection:

- (8) Where in the course of administering the estate of a ^{Where} deceased taxpayer, the taxpayer's legal representa- ^{disposition} tive has, within the 12-month period immediately ^{by legal} following the death of the taxpayer, disposed of ^{representa-} certain property of the estate described in clause *a* ^{tive of} or *b* of subsection 6 of section 164 of the Federal Act, ^{deceased} subsection 6 of section 164 of the Federal Act is ^{taxpayer} applicable *mutatis mutandis*.

18.—(1) Subsection 3 of section 19 of the said Act is ^{s. 19 (3),} re-enacted repealed and the following substituted therefor:

- (3) Upon receipt of a notice of objection, the Provincial ^{Reconsidera-} Minister shall, ^{tion}

- (a) where the taxpayer indicates in the notice of objection that he wishes to appeal immediately to the court and that he waives reconsideration of the assessment and the Provincial Minister consents, file a copy of the notice of objection with the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the taxpayer resides; or
- (b) with all due despatch, reconsider the assessment and vacate, confirm or vary the assessment or reassess,

and he shall thereupon notify the taxpayer of his action by registered mail.

- (3a) Where the Provincial Minister files a copy of a notice ^{Deemed} of objection pursuant to clause *a* of subsection 3, the ^{confirmation} Provincial Minister shall be deemed, for the purpose ^{and appeal} of this section, to have confirmed the assessment to which the notice relates and the taxpayer who served the notice shall be deemed to have thereupon instituted an appeal in accordance with this section.

s. 19,
amended

(2) The said section 19 is amended by adding thereto the following subsection:

No notice
of objection
required in
respect of
reassessment
or additional
assessment

- (6) Where a taxpayer has served a notice of objection to an assessment in accordance with this section and thereafter the Provincial Minister reassesses the taxpayer's tax for the taxation year in respect of which the notice of objection was served or issues an additional assessment in respect thereof, and notifies the taxpayer of his action by registered mail, the taxpayer may, without serving a notice of objection to the reassessment or the additional assessment,

(a) appeal therefrom to the court in accordance with section 20; or

(b) if an appeal to the court has been instituted with respect to the assessment, amend such appeal by joining thereto an appeal in respect of the reassessment or additional assessment in such manner and on such terms, if any, as the court directs.

s. 26 (4) (b),
amended

19. Clause *b* of subsection 4 of section 26 of the said Act is amended by striking out "section 116" in the third line and inserting in lieu thereof "section 220".

s. 27 (2),
amended

20. Subsection 2 of section 27 is amended by striking out "section 117" in the fourth line and inserting in lieu thereof "section 221".

s. 34 (6),
amended

21.—(1) Subsection 6 of section 34 of the said Act is amended by striking out "of 10 per cent per annum" in the tenth and eleventh lines and inserting in lieu thereof "per annum prescribed for the purposes of subsection 8 of section 227 of the Federal Act".

s. 34 (7),
re-enacted

(2) Subsection 7 of the said section 34 is repealed and the following substituted therefor:

Penalty
for failure
to remit

- (7) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate per annum prescribed for purposes of subsection 8 of section 227 of the Federal Act, but, where a collection agreement is entered into, the Minister may refrain from levying or reduce the penalty if the person who is

liable therefor is liable to pay a penalty under subsection 9 of section 227 of the Federal Act by reason of the failure to pay an amount described in clause *a* of that subsection.

(3) Subsection 8 of the said section 34 is amended by <sup>s. 34 (8),
amended</sup> striking out "Division D" in the fifth line and inserting in lieu thereof "Divisions I and J."

22. Clause *d* of subsection 1 of section 36 of the said Act <sup>s. 36 (1) (d),
re-enacted</sup> is repealed and the following substituted therefor:

- (*d*) if, during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the documents, books, records, papers or things that may be required as evidence as to the violation of any provision of this Act or a regulation.

23.—(1) Subsection 1 of section 37 of the said Act is <sup>s. 37 (1),
amended</sup> amended by striking out "Section 126A" in the first line and inserting in lieu thereof "Section 232".

(2) Subsection 2 of the said section 37 is amended by <sup>s. 37 (2),
amended</sup> striking out "section 126A" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "section 232."

24. Section 38 of the said Act is amended by striking out <sup>s. 38,
amended</sup> "section 117" in the third line and inserting in lieu thereof "section 221."

25. Subsection 1 of section 39 of the said Act is amended <sup>s. 39, (1),
amended</sup> by striking out "section 117" in the second line and inserting in lieu thereof "section 221."

26. Clause *f* of section 42 of the said Act is repealed and the <sup>s. 42 (f),
re-enacted</sup> following substituted therefor:

- (*f*) a fine of not less than 25 per cent and not more than double the amount of the tax that was sought to be evaded; or

27. Section 43 of the said Act is amended by striking <sup>s. 43,
amended</sup> out "section 131 or 132" in the second line and inserting in lieu thereof "section 238 or 239".

- Commence-
ment **28.**—(1) This Act, except sections 1 and 2, subsections 2 to 8 of section 3, sections 4, 5 and 6 and sections 8 to 27, comes into force on the day it receives Royal Assent.
- Idem (2) Sections 1 and 2, subsections 2 to 8 of section 3, sections 4, 5 and 6 and sections 8 to 27 come into force on a day to be named by the Lieutenant Governor by his proclamation and apply with respect to the 1972 and subsequent taxation years.
- Short title **29.** This Act may be cited as *The Income Tax Amendment Act, 1971* (No. 2).

An Act to amend
The Income Tax Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

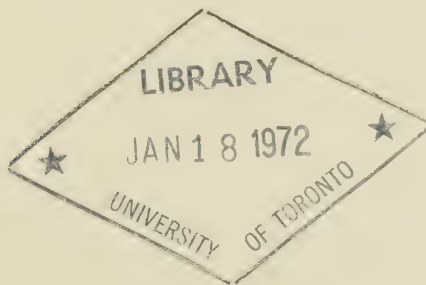
THE HON. E. A. WINKLER
Minister of Revenue

BILL 2

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Tax Act

THE HON. E. A. WINKLER
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 2

1971

**An Act to amend
The Corporations Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Corporations Tax Act*, being chapter 91^{s. 22, amended} of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(e) an amount paid to a corporation on account of an^{federal} employment support grant under the *Employment*^{employment support grant} *Support Act* (Canada).

2. This Act comes into force on the day it receives Royal^{Commence-} Assent and applies with respect to the 1971 and subsequent^{ment} fiscal years.

3. This Act may be cited as *The Corporations Tax Amend-*^{Short title} *ment Act, 1971* (No. 3).

An Act to Amend
The Corporations Tax Act

1st Reading

December 13th, 1971

2nd Reading

December 16th, 1971

3rd Reading

December 17th, 1971

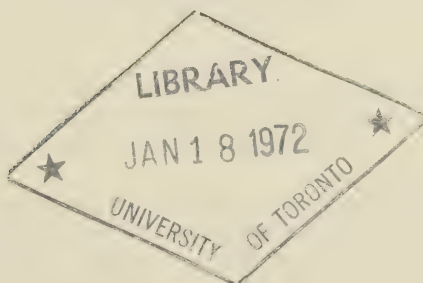
THE HON. E. A. WINKLER
Minister of Revenue

BILL 3

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Succession Duty Act

THE HON. E. A. WINKLER
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 3

1971

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 5 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “if the disposition was made on or before the 31st day of December, 1971”, so that the clause shall read as follows:

- (g) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise, if the disposition was made on or before the 31st day of December, 1971.

(2) Subsection 1 of the said section 5, as amended by the Statutes of Ontario, 1971, chapter 15, section 1, is further amended by adding thereto the following clause:

- (ga) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than fifteen years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise, if the disposition was made on or after the 1st day of January, 1972.

s. 7 (1),
re-enacted

2.—(1) Subsection 1 of section 7 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed and the following substituted therefor:

Rates of
duty,
preferred

- (1) The duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of the father, mother, spouse or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, and the duty levied on the father, mother, spouse or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, shall be at the following rates:

Where the aggregate value,

- (a) exceeds \$100,000 and does not exceed \$150,000
—10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (b) exceeds \$150,000 and does not exceed \$200,000
—11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$150,000;
- (c) exceeds \$200,000 and does not exceed \$300,000
—12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (d) exceeds \$300,000 and does not exceed \$400,000
—13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (e) exceeds \$400,000 and does not exceed \$500,000
—14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (f) exceeds \$500,000 and does not exceed \$600,000
—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (g) exceeds \$600,000 and does not exceed \$700,000
—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;

- (h) exceeds \$700,000 and does not exceed \$800,000—17 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$700,000;
- (i) exceeds \$800,000 and does not exceed \$900,000—18 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (j) exceeds \$900,000 and does not exceed \$1,000,000—19 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$900,000;
- (k) exceeds \$1,000,000 and does not exceed \$5,000,000—20 per cent plus $1/50$ of 1 per cent for each full \$10,000 by which the aggregate value exceeds \$1,000,000;
- (l) exceeds \$5,000,000—28 per cent,

and the duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of any one of such persons and the duty levied on such person, shall be at the following additional rates:

Where the amount of the value of all the property which so passes and of the value of all transmissions to and dispositions made to such person, after making allowance for the debts, encumbrances and other allowances authorized by and in accordance with subsection 6 of section 3,

- (aa) exceeds \$100,000 and does not exceed \$150,000—5 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the amount exceeds \$100,000;
- (bb) exceeds \$150,000 and does not exceed \$300,000—6 per cent plus $1/50$ of 1 per cent for each full \$3,000 by which the amount exceeds \$150,000;
- (cc) exceeds \$300,000 and does not exceed \$400,000—7 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the amount exceeds \$300,000;

- (dd) exceeds \$400,000 and does not exceed \$500,000
—9 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$400,000;
- (ee) exceeds \$500,000 and does not exceed \$600,000
—10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$500,000;
- (ff) exceeds \$600,000 and does not exceed \$700,000
—11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$600,000;
- (gg) exceeds \$700,000 and does not exceed \$750,000
—12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$700,000;
- (hh) exceeds \$750,000 and does not exceed \$800,000
—13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$750,000;
- (ii) exceeds \$800,000 and does not exceed \$900,000
—14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$800,000;
- (jj) exceeds \$900,000 and does not exceed \$1,000,000—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$900,000;
- (kk) exceeds \$1,000,000 and does not exceed \$1,200,000—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,000,000;
- (ll) exceeds \$1,200,000 and does not exceed \$1,400,000—17 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,200,000;
- (mm) exceeds \$1,400,000 and does not exceed \$1,600,000—18 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,400,000;

- (*nn*) exceeds \$1,600,000 and does not exceed \$1,800,000—19 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,600,000;
- (*oo*) exceeds \$1,800,000 and does not exceed \$2,000,000—20 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,800,000;
- (*pp*) exceeds \$2,000,000 and does not exceed \$2,200,000—21 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$2,000,000;
- (*qq*) exceeds \$2,200,000 and does not exceed \$2,400,000—22 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,200,000;
- (*rr*) exceeds \$2,400,000 and does not exceed \$2,600,000—24 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,400,000;
- (*ss*) exceeds \$2,600,000 and does not exceed \$2,800,000—26 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,600,000;
- (*tt*) exceeds \$2,800,000 and does not exceed \$3,000,000—28 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,800,000; and
- (*uu*) exceeds \$3,000,000—30 per cent.

(2) Clauses *a* to *i* of subsection 5 of the said section 7 are ^{s. 7 (5) (a-i),} repealed and the following substituted therefor: _{re-enacted}

- (*a*) exceeds \$100,000 and does not exceed \$200,000—24 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (*b*) exceeds \$200,000 and does not exceed \$400,000—26 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (*c*) exceeds \$400,000 and does not exceed \$600,000—28 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;

- (d) exceeds \$600,000 and does not exceed \$800,000—30 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (e) exceeds \$800,000 and does not exceed \$1,000,000—32 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (f) exceeds \$1,000,000—34 per cent.

s. 7 (5) (aa-qq),
re-enacted

(3) Clauses *aa* to *qq* of subsection 5 of the said section 7 are repealed and the following substituted therefor:

- (aa) exceeds \$100,000 and does not exceed \$160,000—6.4 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$100,000;
- (bb) exceeds \$160,000 and does not exceed \$200,000—7 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$160,000;
- (cc) exceeds \$200,000 and does not exceed \$300,000—8 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$200,000;
- (dd) exceeds \$300,000 and does not exceed \$350,000—9 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$300,000;
- (ee) exceeds \$350,000 and does not exceed \$450,000—10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$350,000;
- (ff) exceeds \$450,000 and does not exceed \$500,000—11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$450,000;
- (gg) exceeds \$500,000 and does not exceed \$600,000—12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$500,000;
- (hh) exceeds \$600,000 and does not exceed \$700,000—13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$600,000;
- (ii) exceeds \$700,000 and does not exceed \$800,000—14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$700,000;

- (*jj*) exceeds \$800,000 and does not exceed \$900,000—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$800,000;
- (*kk*) exceeds \$900,000 and does not exceed \$1,000,000—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$900,000;
- (*ll*) exceeds \$1,000,000 and does not exceed \$1,500,000—18 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$5,000 by which the amount exceeds \$1,000,000;
- (*mm*) exceeds \$1,500,000 and does not exceed \$2,000,000—20 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$5,000 by which the amount exceeds \$1,500,000;
- (*nn*) exceeds \$2,000,000 and does not exceed \$2,500,000—22 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$5,000 by which the amount exceeds \$2,000,000;
- (*oo*) exceeds \$2,500,000 and does not exceed \$3,000,000—24 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$5,000 by which the amount exceeds \$2,500,000; and
- (*pp*) exceeds \$3,000,000—26 per cent.

(4) Clauses *a* to *j* of subsection 6 of the said section 7 are ^{s. 7 (6) (*a-j*), re-enacted} repealed and the following substituted therefor:

- (*a*) exceeds \$100,000 and does not exceed \$200,000—35 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$100,000;
- (*b*) exceeds \$200,000 and does not exceed \$300,000—40 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (*c*) exceeds \$300,000 and does not exceed \$400,000—45 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (*d*) exceeds \$400,000 and does not exceed \$500,000—50 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (*e*) exceeds \$500,000 and does not exceed \$600,000—55 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$500,000;

(f) exceeds \$600,000 and does not exceed \$700,000—60 per cent plus 5/50 of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;

(g) exceeds \$700,000 and does not exceed \$800,000—65 per cent plus 5/50 of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$700,000; and

(h) exceeds \$800,000—70 per cent.

s. 7 (7),
amended

(5) Subsection 7 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed.

s. 7 (8) (a),
re-enacted

(6) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

(a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1, 5 or 6 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and

s. 7 (9, 10),
repealed

(7) Subsections 9 and 10 of the said section 7 are repealed.

s. 7 (11) (b)
(i, ii),
re-enacted

(8) Subclauses i and ii of clause *b* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$500,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$500,000 and \$15,000 for each dependent child, or

s. 7 (11) (f) (i),
re-enacted

(9) Subclause i of clause *f* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$500,000.

s. 7 (11) (g),
amended

(10) Clause *g* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1971, chapter 15, section 2, is amended by striking out "5" in the ninth line and inserting in lieu thereof "10", so that the clause shall read as follows:

- (g) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to the amounts equal to the amount of his individual dependant allowance, provided that, where the dependant's individual dependant allowance is less than \$100,000, the rate to be applied to his individual dependant allowance shall be 10 per cent.

3. This Act comes into force on the 1st day of January, ^{Commence-}
1972. _{ment}

4. This Act may be cited as *The Succession Duty Amendment Act, 1971* (No. 2). ^{Short title}

An Act to amend
The Succession Duty Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

BILL 4

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to Facilitate the
Relief of Unemployment by Municipalities**

THE HON. D. A. BALES
Minister of Municipal Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 4

1971

An Act to Facilitate the Relief of Unemployment by Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "municipality" means a city, town, village, township and county, and includes a metropolitan, regional and district municipality. ^{Interpre-}
^{tation}

2. Every municipality may, by agreement with the owner of private property, enter on such property and expend moneys thereon for the purpose of implementing any plan that is approved by the Department of Municipal Affairs for the relief of unemployment in the municipality. ^{Expenditure of}
^{moneys and}
^{entry on}
^{private}
^{property}

3. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}

4. This Act may be cited as *The Municipal Unemployment Relief Act, 1971*. ^{Short title}

An Act to Facilitate the
Relief of Unemployment by Municipalities

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

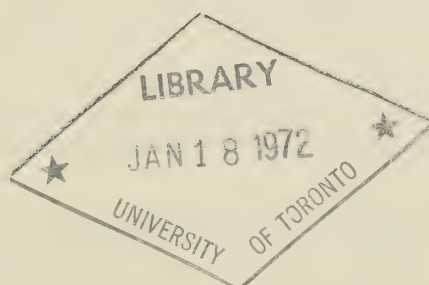
December 17th, 1971

THE HON. D. A. BALES
Minister of Municipal Affairs

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to establish the Ontario Health Insurance
Commission and to provide for the Advance
Organization of the Ontario Health Insurance
Plan**

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 5

1971

**An Act to establish the Ontario Health
Insurance Commission and to provide for the
Advance Organization of the Ontario Health
Insurance Plan**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Chairman" means the Chairman of the Ontario Health Insurance Commission;
- (b) "Commission" means the Ontario Health Insurance Commission;
- (c) "Plan" means the Ontario Health Insurance Plan referred to in section 5;
- (d) "regulations" means the regulations made under this Act.

2.—(1) The Ontario Health Insurance Commission is established and shall be composed of not fewer than five and not more than nine persons.

Ontario
Health
Insurance
Commission
established

(2) The members of the Commission shall be appointed by the Lieutenant Governor in Council and one of them shall be designated as Chairman and one of them may be designated as vice-chairman.

Appointment

(3) The Deputy Minister of Health is, *ex officio*, a member of the Commission.

Deputy
Minister

(4) The members of the Commission who are not public servants shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

Remunera-
tion

(5) *The Public Service Superannuation Act* applies to every full-time member of the Commission.

Application
of R.S.O. 1970,
c. 387

Chairman. duties	3.—(1) The Chairman is the chief executive officer of the Commission and is responsible for the performance of such duties as are assigned to him by the Lieutenant Governor in Council and the Minister of Health.
Acting Chairman	(2) In case of the absence or illness of the Chairman or of there being a vacancy in the office of the Chairman, the vice-chairman or, if none, such person as the Commission designates for such purposes shall act temporarily as and have the powers of the Chairman.
Chairman responsible to Minister	(3) The Chairman is responsible to the Minister of Health for the administration of the Plan.
Employees	4. Such officers and employees as are considered necessary to carry out the duties of the Commission shall be appointed under <i>The Public Service Act</i> .
R.S.O. 1970, c. 387	
O.H.I.P. organization	5.—(1) The Commission is empowered to do all things necessary to arrange for the organization of the Ontario Health Insurance Plan to include the plan of hospital care insurance established in accordance with the agreement between the Government of Ontario and the Government of Canada authorized by the <i>Hospital Insurance and Diagnostic Services Act</i> (Canada) and the Health Services Insurance Plan established in accordance with the <i>Medical Care Act</i> (Canada), and, without limiting the generality of the foregoing, the Commission has the function and the power to,
R.S.C. 1970, cc. H-8, M-8	
	(a) make all necessary arrangements for and carry out advance enrolment;
	(b) bill and collect advance payment of premiums;
	(c) determine eligibility for persons to become insured persons under the Plan in accordance with this Act and the regulations;
	(d) determine eligibility for premium assistance in accordance with this Act and the regulations.
Powers of Commission	(2) The Commission may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract by the Commission.
Collection of premiums	(3) Premiums collected by the Commission in respect of the the Plan shall be paid to the Treasurer of Ontario.
Entitlement to enrol	6.—(1) Every person who is eligible to be an insured person under <i>The Health Services Insurance Act</i> or <i>The</i>

Hospital Services Commission Act is eligible to become an insured person under the Plan. R.S.O. 1970.
cc. 200, 209

(2) The prescribed premium for insurance under the Plan shall be paid three months in advance of the period in respect of which the premium is paid. Advance payment of premiums

7.—(1) Any person who is sixty-five years of age or over and who applies and is eligible therefor, and his spouse and dependants, are entitled to receive insured services under the Plan without the payment of a premium. Exemption from premium of persons over 65

(2) Subsection 1 does not apply to a person unless he has been ordinarily resident in Ontario for the previous twelve months. Idem

8.—(1) Subject to subsection 2, nothing in this Act shall be construed to affect any agreement or legally enforceable arrangement whereby an employer contributes all or part of the premiums payable for insured services under *The Health Services Insurance Act* or *The Hospital Services Commission Act* in respect of his employees and any obligation of the employer thereunder to pay all or part of premiums for insured services continues in respect of the payment of the premium for insured services under the Plan. Existing agreements not affected

(2) Where the amount or amounts required to be paid by the employer under an agreement or legally enforceable arrangement referred to in subsection 1 as premiums for insured services, or the part of such amount or amounts that is referable to insured services is greater than the amount or amounts the employer is, by virtue of subsection 1 required to pay in respect of the premiums under the Plan, the employer, until the agreement or arrangement is terminated, shall pay the amount of the excess to or for the benefit of the employees, and, notwithstanding any other Act, any such excess shall first be applied to increase the employer's share of the premium payment until such share has reached 100 per cent. Benefit of premium reductions to be passed to insured person by employer

(3) Section 37 of *The Labour Relations Act* applies to differences arising in the application of this section in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement. Provisions for arbitration R.S.O. 1970, c. 232

(4) For the purposes of this section, a person who has ceased to be employed by an employer but for whom the employer is legally responsible to pay all or part of the premium shall be deemed to be an employee of the employer. Who deemed employee

Regulations **9.** The Lieutenant Governor in Council may make regulations,

- (a) fixing the premium for insurance under the Plan;
- (b) prescribing forms for the purposes of this Act and providing for their use;
- (c) providing for assistance in the payment of premiums for insurance under the Plan including prescribing the qualifications, and amounts and the procedures for granting such assistance;
- (d) designating provisions in *The Health Services Insurance Act* or *The Hospital Services Commission Act* that shall apply in respect of advance enrolment under the Plan.

R.S.O. 1970,
cc. 200, 209

Moneys

10. The moneys required for the purposes of this Act shall, until the 1st day of April, 1972, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Repeal

11. This Act is repealed on the 1st day of July, 1972 unless sooner repealed by specific enactment.

Commence-
ment

12. This Act comes into force on the 1st day of January, 1972.

Short title

13. This Act may be cited as *The Ontario Health Insurance Organization Act, 1971*.

An Act to establish the Ontario Health
Insurance Commission and to provide for
the Advance Organization of the Ontario
Health Insurance Plan

1st Reading

December 13th, 1971

2nd Reading

December 14th, 1971

3rd Reading

December 15th, 1971

THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

BILL 6

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Health Services Insurance Act

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 6

1971

An Act to amend The Health Services Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Health Services Insurance Act*, being chapter 200 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

6a.—(1) Any person who is sixty-five years of age or over and who applies and is eligible therefor, and his spouse and dependants, are entitled to be insured persons without payment of a premium. ^{Exemption from premium for persons over 65}

(2) Subsection 1 does not apply to a person unless he has been ordinarily resident in Ontario for the previous twelve months. ^{Idem}

2.—(1) Subsection 3 of section 10 of the said Act is amended by inserting after "employees" in the eighth line "and any such excess shall first be applied to increase the employer's share of the premium payment until such share shall have reached 100 per cent". ^{s. 10 (3), amended}

(2) The said section 10 is amended by adding thereto the following subsection: ^{s. 10, amended}

(6) For the purposes of this section, a person who has ceased to be employed by an employer but for whom the employer is legally responsible to pay all or part of the premium shall be deemed to be an employee of the employer. ^{Who are deemed employees}

3. This Act comes into force on the 1st day of January, 1972. ^{Commencement}

4. This Act may be cited as *The Health Services Insurance Amendment Act, 1971 (No. 2)*. ^{Short title}

An Act to amend
The Health Services Insurance Act

1st Reading

December 13th, 1971

2nd Reading

December 14th, 1971

3rd Reading

December 15th, 1971

THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

BILL 7

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Hospital Services Commission Act

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 7

1971

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Hospital Services Commission Act*, being chapter 209^{ss. 14a, 14b, enacted} of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

- 14a.—(1) Any person who is sixty-five years of age or over^{Exemption from} and who applies and is eligible therefor, and his^{premium} spouse and dependants, are entitled to be insured^{for persons over 65} persons without payment of a premium.
- (2) Subsection 1 does not apply to a person unless he has^{Idem} been ordinarily resident in Ontario for the previous twelve months.
- 14b. Nothing in section 14a shall be construed to affect^{Agreements for employer's contribution} any agreement for contribution by an employer of all or any of the premiums payable for insurance in respect of persons to whom section 14a applies, and the employer shall, until the agreement is terminated, pay the amount of the contribution he is required to pay under the agreement to or for the benefit of the person to whom section 14a applies and section 37 of *The Labour Relations Act* applies to differences arising^{R.S.O. 1970, c. 232} in the application of this section in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement.

2. This Act comes into force on the 1st day of January, 1972.^{Commence-ment}

3. This Act may be cited as *The Hospital Services Com-*^{Short title}
mission Amendment Act, 1971.

An Act to amend
The Hospital Services Commission Act

1st Reading

December 13th, 1971

2nd Reading

December 14th, 1971

3rd Reading

December 15th, 1971

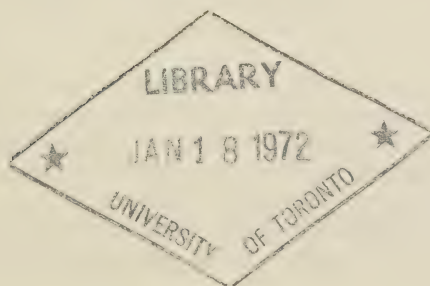
THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

BILL 8

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend The Corporation Securities
Registration Act**

THE HON. GORDON CARTON
Minister of Financial and Commercial Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 8

1971

An Act to Amend The Corporation Securities Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The Corporation Securities Registration Act*, being chapter 88 of the Revised Statutes of Ontario, 1970, is amended by striking out “under his hand” in the second line. s. 10 (1),
amended

(2) Subsections 2 and 3 of the said section 10 are repealed and the following substituted therefor: s. 10 (2,3),
re-enacted

(2) Every copy of a document filed under this Act, certified by the Minister to be a true copy, shall be received in evidence in any action, prosecution or other proceeding as *prima facie* proof for all purposes as if the original document were produced and also as *prima facie* proof of the execution of the original document according to the purport of such copy. Certifying
copies of
documents

(3) A certificate issued under this section shall be under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the Lieutenant Governor in Council by regulation. Execution
of certifi-
cates

(4) A certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 3 shall be received in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate. Certificate
as evidence

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Corporation Securities Registration Amendment Act, 1971*. Short title

An Act to amend
The Corporation Securities
Registration Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

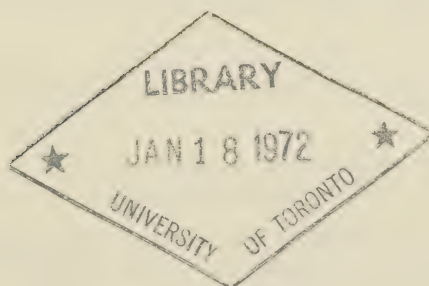
THE HON. GORDON CARTON
Minister of Financial and
Commercial Affairs

BILL 9

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Teachers' Superannuation Act

THE HON. ROBERT WELCH
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 9

1971

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause vi of clause *e* of section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (e) (vi),
re-enacted

(vi) as a teacher in Elliot Lake Centre for Continuing Education, Moosonee Education Centre, the Institute of Child Study, the University of Toronto Schools, the Ontario College of Art, the Royal Ontario Museum, Ryerson Polytechnical Institute, St. John's Training School for Boys, Uxbridge, or St. Joseph's Training School for Boys, Alfred,

(via) as a teacher in the civil service as defined in *The Public Service Act*.

R.S.O. 1970,
c. 386

2. Subsection 7 of section 2 of the said Act is amended by striking out "Department of Education in Toronto" in the first and second lines and inserting in lieu thereof "Commission". s. 2 (7),
amended

3. The said Act is amended by adding thereto the following sections: ss. 2a, 2b, 2c,
enacted

2a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may, Acquisition
and
disposition
of property

(a) in its own name acquire by purchase, lease or otherwise and hold any real property or any interest therein necessary for its actual use and occupation; and

(b) when no longer so necessary, sell or otherwise dispose of any of such property and pay the proceeds thereof into the Fund.

Expenditures
re property

- (2) Any expenditure incurred by the Commission in connection with any property acquired under subsection 1 shall be deemed to be an administration expense.

Rights of
property

- (3) The Commission may in its own name contract and be contracted with and sue and be sued in respect of any property or any interest therein acquired under subsection 1.

Commission
a Crown
commission
for purposes
of R.S.O. 1970,
c. 394

- (4) The Commission shall be deemed to be a commission of the Crown for the purposes of *The Public Works Creditors Payment Act*.

Execution
of formal
documents

- 2b. Where any document is required to be executed by the Commission, it is sufficient if the document is signed in the name of the Commission by any two of,
- (a) the chairman of the Commission;
 - (b) a member of the Commission designated by the Commission for the purpose;
 - (c) the director of the Commission.

Explanation
of Act

- 2c. The Commission shall continue to provide to each contributor to the Fund the explanations required to be provided to contributors to the Fund by *The Pension Benefits Act*.

R.S.O. 1970,
c. 342

s. 7,
re-enacted

4. Section 7 of the said Act is repealed and the following substituted therefor:

Interest on
1942 issue
increased

- 7.—(1) The issue by the Treasurer of Ontario Government stock in the sum of \$31,200,000, dated the 1st day of November, 1942, bearing interest at the rate of $4\frac{3}{4}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 1982, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$31,200,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.

Interest on
1952 issue
increased

- (2) The issue by the Treasurer of Ontario Government stock in the sum of \$43,000,000, dated the 1st day of November, 1952, bearing interest at the rate of $4\frac{1}{2}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 1992, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of

\$43,000,000 dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.

- (3) The issue by the Treasurer of Ontario Government stock in the sum of \$176,000,000, dated the 1st day of November, 1962, bearing interest at the rate of 4½ per cent per year payable half-yearly, and maturing on the 1st day of November, 2002, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$176,000,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1987. Interest on 1962 issue increased
- (4) The issue by the Treasurer of Ontario Government stock in the sum of \$454,500,000, bearing interest at the rate of 5 per cent per year payable half-yearly, and maturing on the 1st day of November, 1972, is withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$454,500,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half yearly, and maturing on the 1st day of November, 1992. Interest on stock issued 1962-71 increased
- (5) The Treasurer shall issue from time to time a Province of Ontario debenture in the amount, as determined by the Commission, of surplus funds accumulated in the Fund and not required for current expenditures, such debenture to be for a term of not more than twenty-five years and not less than twenty years and to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of long term securities issued or guaranteed by the Province payable in Canadian dollars and sold to the public during the Province of Ontario fiscal year next preceding the date of the debenture. Future issues
- (6) For the purposes of subsection 5, the rate of interest and the term of the debenture shall be as agreed upon between the Treasurer and the Commission and approved by the Lieutenant Governor in Council. Interest and term
- (7) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund. Charge on Consolidated Revenue Fund

Deposit of
securities

7a.—(1) All securities belonging to the Fund shall be deposited with the Treasurer.

Safekeeping
of securities

(2) The Treasurer is responsible for the safekeeping of all securities deposited with him under subsection 1.

s. 11 (a),
amended

5. Clause *a* of section 11 of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “6”.

s. 15,
re-enacted

6. Section 15 of the said Act is repealed and the following substituted therefor:

Payments
out of
Fund

15.—(1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund.

How pay-
ments out
to be made

(2) Every payment out of the Fund shall be made,

(a) by cheque of the Commission signed by; or

(b) by a direct transfer into the payee's account in a chartered bank or other institution entitled to receive money on deposit, pursuant to an arrangement authorized by the signatures of,

any two of, the chairman of the Commission, a member of the Commission designated by the Commission for the purpose, or the director of the Commission, and any such signature may be affixed in facsimile by use of a rubber stamp or by printing, lithographing, engraving or other means.

Days of
employment
to be
reported

(3) The recipient of an allowance shall report, as required by the Commission, the number of days, if any, that he was employed, and the Commission may direct that no further allowance be paid him until he provides such report to the Commission.

s. 17 (1) (d) (ii),
amended

7. Subclause ii of clause *d* of subsection 1 of section 17 of the said Act is amended by striking out “19” in the second line and inserting in lieu thereof “21”.

s. 19 (4),
re-enacted

8.—(1) Subsection 4 of section 19 of the said Act is repealed and the following substituted therefor:

Colleges of
applied arts
and
technology

(4) Every person on the staff of a college of applied arts and technology who is a contributor to the Fund on the 31st day of December, 1971, may,

by notice in writing executed on or before the 31st day of March, 1972, and given to the Commission and to the college, elect to discontinue his contributions to the Fund as of the 31st day of December, 1971, or to continue to contribute to the Fund while on the staff of any college of applied arts and technology in Ontario, and any such person who fails to execute such a notice within the prescribed time shall be deemed to have elected to continue to contribute to the Fund.

(2) Subsection 6 of the said section 19 is amended by ^{s. 19 (6),} striking out "4" in the first line. _{amended}

(3) Subsection 7 of the said section 19 is repealed and ^{s. 19 (7),} the following substituted therefor: _{re-enacted}

(7) A person who elects or is deemed to have elected ^{Effect of} under this section, or who elected or is deemed to have _{election} elected under a predecessor of this section, to contribute to the Fund, shall be deemed to be employed as if the institution in which he is employed were named in subclause vi of clause *e* of section 1.

9. Section 20 of the said Act is amended by adding ^{s. 20,} thereto the following subsection: _{amended}

(2a) Where the annual rate of salary is less than \$5,000, ^{Salaries} it shall, for the purposes of this section be deemed to _{under} be at the annual rate of \$5,000. ^{\$5,000}

10. Clause *a* of subsection 2 of section 22 of the said ^{s. 22 (2) (a),} Act is amended by inserting after "subclause" in the second _{amended} line "vi".

11. Section 24 of the said Act is repealed and the ^{s. 24,} following substituted therefor: _{re-enacted}

24.—(1) Every person who,

(a) has credit in the Fund for thirty-five or more ^{Retirement} years of service; _{at 62 after}

(b) is sixty-two or more years of age; and

(c) ceased to be employed on or before the 30th day of November, 1971,

is entitled to an annual superannuation allowance during his lifetime.

Retirement
where sum of
years of
service and
age equal 90

(2) Every person who,

(a) has ceased to be employed after the 30th day of November, 1971; and

(b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with, the date that he ceased to be employed, totals at least ninety years,

is entitled to an annual superannuation allowance during his lifetime.

s. 25 (1),
amended

12.—(1) Subsection 1 of section 25 of the said Act is amended by striking out “such allowance” in the first line and inserting in lieu thereof “the annual superannuation allowance under section 24”.

s. 25,
amended

(2) The said section 25 is amended by adding thereto the following subsection:

Interpreta-
tion

(1a) In this section, “salary” for any year means the salary used in calculating the person’s contribution to the Fund for such year.

s. 26 (1) (b),
re-enacted

13.—(1) Clause *b* of subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

(b) ceased to be employed on or before the 30th day of November, 1971,

s. 26 (2),
amended

(2) Subsection 2 of the said section 26 is amended by striking out “24” in the second line and inserting in lieu thereof “25”.

s. 27 (2),
amended

14.—(1) Subsection 2 of section 27 of the said Act is amended by striking out “subsections 1, 3 and 4 of” in the second line.

s. 27 (3),
repealed

(2) Subsection 3 of the said section 27 is repealed.

s. 28 (2),
amended

15. Subsection 2 of section 28 of the said Act is amended by striking out “subsections 1, 3 and 4 of” in the second line.

s. 29 (2),
amended

16. Subsection 2 of section 29 of the said Act is amended by striking out “subsections 1 and 4 of” in the second line.

17. Subsection 2 of section 30 of the said Act is ^{s. 30 (2),} amended by striking out “subsections 1 and 4 of” in the second line.

18. Section 32 of the said Act is repealed and the following ^{s. 32,} re-enacted substituted therefor:

32.—(1) Where a person who has credit in the Fund for ^{Dependant's} ten or more years dies while employed, or within ^{allowance,} two years after ceasing to be employed on account of ill health, or within one year after ceasing to be employed for any reason other than ill health during which year he or she manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a person who is in receipt of an allowance dies,

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person's credit in the Fund at the date of death, or

(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and, where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or

(b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person's credit in the Fund at the date of death, or
- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

Exceptions

- (2) Subsection 1 does not apply to the surviving spouse of a deceased person if they were married after the date of the deceased spouse's retirement or to the child or children of any such surviving spouse.

Where dependant's allowance to be reduced

- (3) Where the surviving spouse was at least ten years younger than the deceased spouse, the payments under subsection 1 shall be reduced at the rate of 2½ per cent for each year that the surviving spouse was more than ten years younger than the deceased spouse.

Child defined

- (4) In this section, "child" includes an adopted child and a step-child, and "children" has a corresponding meaning.

s. 34a, enacted

19. The said Act is amended by adding thereto the following section:

Long-term disability income plans

R.S.O. 1970, c. 224

34a.—(1) Where the Minister, a board or other authority employing one or more persons who contribute to the Fund enters into an agreement with an insurer within the meaning of *The Insurance Act* to provide an

income to any such person who has a long-term disability, the agreement shall be submitted to the Commission for approval.

- (2) Where an agreement submitted under subsection 1 is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person for each month in respect of which the person receives a payment under the agreement where the contribution is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be equal to the amount of the last contribution in the Fund, that was made to the Fund by such person before the cessation of his employment. Recipient's
contributions
- (3) Where an agreement approved by the Commission provides for payments to vary in amount from time to time in accordance with the cost of living, the amount of a contribution accepted by the Commission under subsection 2 shall be increased or decreased proportionately. Adjustment
in line with
cost of living
- (4) Annually and at the same time as the total legislative grant is payable to the board or other authority, the Treasurer shall place to the credit of the Fund a sum equal to the total amount of the contributions made under this section in the previous twelve-month period. Contributions
by Province

20. Section 37 of the said Act is repealed.

s. 37.
repealed

21.—(1) Subsection 2 of section 42 of the said Act is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b*, and by striking out clause *c*. s. 42 (2),
amended

(2) Subsection 3 of the said section 42 is repealed and the following substituted therefor: s. 42 (3),
re-enacted

- (3) Where a person who is receiving a disability allowance becomes engaged as a teacher in a school or institution either in or outside Ontario but is not employed within the meaning of clause *e* of section 1, the allowance shall cease to be paid and the Commission may reinstate the allowance at the end of the period of teaching upon receipt of a written request therefor. Idem

s. 44,
re-enacted

22. Section 44 of the said Act is repealed and the following substituted therefor:

Resumption
of disability
allowance

44. Where a person who ceased to receive a disability allowance because of re-employment again ceases to be employed,

(a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof upon receipt by the Commission of a notice in writing of the cessation of employment; and

(b) in the case of a person who has been so employed for a period of two or more school years, an application for an allowance shall be treated as an application for a new allowance.

Commence-
ment

23.—(1) This Act, except sections 1, 5, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 5, 8, 9 and 10 come into force on the 1st day of January, 1972.

Short title

24. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1971*.

An Act to amend
The Teachers' Superannuation Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

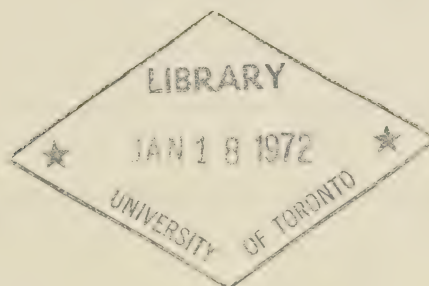
THE HON. ROBERT WELCH
Minister of Education

BILL 10

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Service Superannuation Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 10

1971

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, is amended by striking out "that Part" in the second line and inserting in lieu thereof "this Act". ^{s. 1 (1) (d), amended}

2. Section 8 of the said Act is amended by adding thereto the following subsection: ^{s. 8, amended}

- (6) Any contributor who is entitled under clauses *a* and *b* of subsection 1 to credit in the Fund but who has failed to established credit in respect of his continuous non-contributory service with the Crown under clauses *c* and *d* of subsection 1, may establish credit any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him during his period of non-contributory service shall be deemed to be equal to the rate of salary authorized at the time when he made the election and interest shall not be added. ^{Open option}

3. Section 11 of the said Act is amended by adding thereto the following subsection: ^{s. 11, amended}

- (3) Every contributor who, Idem
- (a) ceases to be employed in the public service after the 30th day of November, 1971; and
- (b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with,

the date he ceases to be employed in the public service, totals at least ninety years,

is entitled to a superannuation allowance upon his retirement.

s. 12 (2),
re-enacted

4.—(1) Subsection 2 of section 12 of the said Act is repealed and the following substituted therefor:

Review

(2) The Board may at any time review the case of any person receiving a disability allowance and if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Civil Service Commission which shall consider the person for re-employment.

s. 12 (4),
re-enacted

(2) Subsection 4 of the said section 12 is repealed and the following substituted therefor:

Where
offer not
accepted

(4) Where a person does not accept the offer, he is entitled to a deferred annuity or to an immediate annuity if he has attained the age at which an immediate annuity would otherwise be payable to him.

Reduction
factors on
immediate
annuity

(5) Where an immediate annuity is payable under this section, the age of the person at the beginning of the month in which he commenced to receive a disability allowance will be taken into account in applying the reduction factors provided for in section 14.

s. 13 (3) (b),
amended

5.—(1) Clause *b* of subsection 3 of section 13 of the said Act is amended by striking out “with the approval of the Lieutenant Governor in Council” in the first and second lines and inserting in lieu thereof “subject to subsection 6”.

s. 13 (4),
amended

(2) Subsection 4 of the said section 13 is amended by striking out “with the approval of the Lieutenant Governor in Council” in the second and third lines and inserting in lieu thereof “subject to subsection 6”.

s. 13 (5),
amended

(3) Subsection 5 of the said section 13 is amended by striking out “with the approval of the Lieutenant Governor in Council” in the eleventh line and inserting in lieu thereof “subject to subsection 6”.

s. 13,
amended

(4) The said section 13 is further amended by adding thereto the following subsection:

- (6) If a contributor or former contributor has been dismissed from the public service no annuity shall be paid, without the approval of the Lieutenant Governor in Council, under clause *b* of subsection 3 or under subsection 4 or 5. Approval
required

6.—(1) Subsection 3 of section 14 of the said Act is repealed. s. 14 (3),
repealed

(2) Subsection 4 of the said section 14 is amended by adding “or” at the end of clause *b* and by adding thereto the following clause: s. 14 (4),
amended

- (c) in the case of a person who retires or ceases to be employed in the public service before attaining the age of sixty-five years, until he attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*. R.S.C. 1970,
c. C-5

(3) Subsection 5 of the said section 14 is repealed and the following substituted therefor: s. 14 (5),
re-enacted

- (5) The amount of every annuity shall be further reduced or reduced, as the case may be, at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity. Idem,
annuities

(4) Subsection 10 of the said section 14 is amended by inserting after “other” in the seventh line “than”. s. 14 (10),
amended

7. Section 18 of the said Act is repealed and the following substituted therefor: s. 18,
re-enacted

18. Where a contributor who,

- (a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or Retirement
or death
before super-
annuation
- (b) is found by the Board to be unable to perform his or her duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he or she is not entitled to a disability allowance or annuity; or
- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or widower or a child or children under the age of eighteen years,

twice the amount of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his widow or her widower or child or children, as the case may be.

s. 20 (3),
re-enacted

8.—(1) Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor:

Exceptions

- (3) Where a person who was receiving an allowance or an annuity dies without having attained the age of sixty-five years at the date of his death, the allowance or annuity payable to the widow, or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would have received at the beginning of the month following the month in which he would have attained such age.

s. 20 (8) (a, b),
repealed

(2) Clauses *a* and *b* of subsection 8 of the said section 20 are repealed.

s. 28 (1),
amended

9.—(1) Subsection 1 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d*, and by adding thereto the following clause:

1971, c. 66

- (e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Department of Colleges and Universities Act, 1971* applies.

s. 28 (2),
amended

(2) Subsection 2 of the said section 28, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d*, and by adding thereto the following clause:

- (e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Department of Colleges and Universities Act, 1971* applies.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Public Service Superannuation Amendment Act, 1971* (No. 2).

An act to amend
The Public Service Superannuation Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

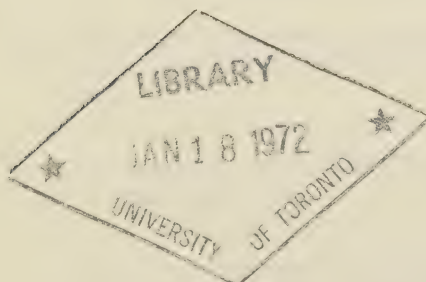
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

BILL 11

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Day Nurseries Act

THE HON. T. L. WELLS
Minister of Social and Family Services



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 11

1971

An Act to amend The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 25, subsection 1 and 1971, chapter 93, section 1, is repealed and the following substituted therefor:

1. In this Act,

Inter-
pretation

- (a) "approved corporation" means a corporation approved under section 2b;
- (b) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); ^{R.S.C. 1970, c. 1-6}
- (c) "Board" means the Day Nursery Review Board established under section 5;
- (d) "corporation" means a corporation without share capital having objects of a charitable nature,
 - (i) to which Part III of *The Corporations Act* ^{R.S.O. 1970, c. 89} applies, or
 - (ii) that is incorporated under a general or special Act of the Parliament of Canada;
- (e) "day nursery" means a place that receives, primarily for the purpose of temporary care

and custody, for a continuous period not exceeding twenty-four hours, more than five children, not of common parentage, who are,

(i) under eighteen years of age in the case of a day nursery for retarded children, and

(ii) under ten years of age in all other cases, and that is not,

R.S.O. 1970,
c. 385

(iii) part of a public school under *The Public Schools Act*,

R.S.O. 1970,
c. 430

(iv) part of a separate school under *The Separate Schools Act*,

R.S.O. 1970,
c. 111

(v) part of a private school registered under *The Department of Education Act*,

R.S.O. 1970
c. 68

(vi) a children's mental health centre under *The Children's Mental Health Centres Act*, or

R.S.O. 1970,
c. 425

(vii) a school for trainable retarded children under *The Secondary Schools and Boards of Education Act*;

(f) "Director" means the Director of the Day Nurseries Branch of the Department of Social and Family Services;

(g) "licensed day nursery" means a day nursery licensed under this Act;

(h) "Minister" means the Minister of Social and Family Services;

(i) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;

(j) "operator" means a person or a partnership or association of persons that has the control and management of a day nursery, and "operate" has a corresponding meaning;

- (k) "private-home day care" means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (l) "regulations" means the regulations made under this Act;
- (m) "retarded children" means children in whom there is a condition of arrested or incomplete development of mind as verified by objective psychological or medical findings.

2. Subsection 4 of section 2 of the said Act is repealed and ^{s. 2 (4), re-enacted} the following substituted therefor:

(4) The Minister may,

- (a) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;
- (b) enter into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children residing in areas without municipal organization as is agreed upon; and
- (c) direct payment of such expenditures as are necessary for the purposes of clauses *a* and *b*.

3. The said Act is amended by adding thereto the ^{ss. 2b, 2c, enacted} following sections:

2b. Where the Lieutenant Governor in Council is ^{Approval of corporations} satisfied that any corporation,

- (a) is affiliated with the Ontario Association for the Mentally Retarded; or
- (b) is, on the day this section comes into force, operating a licensed day nursery for retarded children,

and, with financial assistance under this Act, is financially capable of establishing, maintaining and operating a day nursery for retarded children and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the payment of grants under this Act and the regulations.

Suspension
and
revocation
of approvals

2c.—(1) Subject to this section, any approval given under section 2b may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if,

(a) any director, officer or servant of the approved corporation has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provisions; or

(b) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with the consent of the approved corporation, before suspending or before recommending to the Lieutenant Governor in Council revocation of an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Department of Social and Family Services, appointed by the Minister.

Application
of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to
Minister

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of
Minister

(5) After considering a report made to him under this section, the Minister may thereupon suspend or recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension
of approval

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval

given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

4.—(1) Clause *a* of subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by striking out "or the renovation" in the first and second lines. <sup>s. 3 (1) (a),
amended</sup>

(2) The said section 3, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by adding thereto the following subsection: <sup>s. 3,
amended</sup>

(3) There shall be paid to every approved corporation an amount equal to 80 per cent of its costs computed in accordance with the regulations for the operation and maintenance of every licensed day nursery for retarded children maintained and operated by the corporation. <sup>Grants to
approved
corporations</sup>

5. Sections 3*a* and 3*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 3, are repealed and the following substituted therefor: <sup>ss. 3*a*, 3*b*,
re-enacted</sup>

3*a*.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building or the renovation or the furnishing and equipping of a building, <sup>Capital
grants</sup>

(*a*) by a municipality or band for use in whole or in part as a day nursery; or

(*b*) by an approved corporation for use in whole or in part as a day nursery for retarded children,

he may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature, of an amount to be computed in accordance with the regulations, towards the cost of the new building, addition, acquisition, renovation, or furnishing and equipment that is applicable to the day nursery.

Time and
manner of
payment

- (2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at such time and in such manner as are prescribed by the regulations.

Approval to
sale, etc.

- 3b.—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment of a grant under section 3a, without the approval in writing of the Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such grant as the Director may consider advisable.

Recovery of
whole or
part of
grant

- (2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of the Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any grant paid under section 3a in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

(a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or

(b) by proceedings in any court of competent jurisdiction.

s. 15 (3),
re-enacted

6. Subsection 3 of section 15 of the said Act is repealed and the following substituted therefor:

Obstructing
inspection

- (3) No person shall hinder or obstruct a provincial supervisor in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

s. 16 (ca),
amended

7.—(1) Clause *ca* of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 4, is amended by striking out “and bands” in the first line and inserting in lieu thereof “bands and approved corporations”.

(2) The said section 16, as amended by the Statutes of ^{s. 16,} amended Ontario, 1971, chapter 93, section 4, is further amended by adding thereto the following clauses:

(cb) specifying the corporations that are approved under section 2b;

.

(da) prescribing classes of capital grants for the purposes of section 3a, the circumstances under which any such grant or class thereof may be paid, and determining the amounts of any such grants or classes thereof.

8. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

9. This Act may be cited as *The Day Nurseries Amendment* ^{Short title} Act, 1971 (No. 2).

An Act to amend
The Day Nurseries Act

1st Reading

December 13th, 1971

2nd Reading

December 16th, 1971

3rd Reading

December 17th, 1971

THE HON. T. L. WELLS
Minister of Social and Family Services

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Planning Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to give municipalities the discretionary power to issue or withhold permits for the removal or wrecking of buildings or structures.

BILL 12

1971

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 7 of subsection 1 of section 38 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, ^{s. 38 (1), par. 7,} re-enacted 1970, is repealed and the following substituted therefor:
7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising there- ^{Regulating removal and wrecking of buildings and structures} from; for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked; for determining, in such manner as the by-law may provide, whether or not the permit shall be issued; and for fixing and charging fees for the permit.
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}
3. This Act may be cited as *The Planning Amendment Act, 1971*. ^{Short title}

BILL 12

An Act to amend
The Planning Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

BILL 13

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to establish the Management Board of Cabinet

THE HON. W. G. DAVIS
Prime Minister



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 13

1971

An Act to establish the Management Board of Cabinet

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Inter-
pretation

- (a) "Board" means the Management Board of Cabinet;
- (b) "Chairman" means the member of the Executive Council appointed as Chairman of the Board by the Lieutenant Governor;
- (c) "department" means a department of the Government of Ontario and includes a board, commission, authority, corporation or other agency of the Government of Ontario;
- (d) "public service" means all departments or any part thereof;
- (e) "secretariat" means the staff of the Board reporting to the Board through the Secretary;
- (f) "Secretary" means the Secretary of the Board;
- (g) "Vice-Chairman" means the member of the Executive Council who by order in council is appointed the Vice-Chairman of the Board.

(2) Except as otherwise provided in this Act, section 1 of *The Financial Administration Act* applies to this Act. Idem
R.S.O. 1970,
c. 166

2.—(1) There shall be a Management Board of Cabinet which shall consist of the Chairman, the Vice-Chairman and not fewer than four and not more than six other members of the Executive Council designated from time to time by the Lieutenant Governor in Council. Composition
of Board

Alternate
members

(2) The Lieutenant Governor in Council may designate other ministers to serve as alternates in the absence of members of the Board.

Chairman's
powers and
duties

(3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board and the secretariat.

Absence of
Chairman

(4) When the Chairman is absent from any meeting, the Vice-Chairman shall preside at the meeting and, when both the Chairman and Vice-Chairman are absent, the members present at a meeting shall appoint a member to preside at the meeting.

Secretary

(5) The Lieutenant Governor in Council shall appoint an officer, to be known as the Secretary of the Management Board of Cabinet, who shall perform such functions as the Board may assign to him, and the Secretary of the Management Board of Cabinet shall rank as and have all the powers and duties of a deputy minister of a department.

Officers and
employees

(6) Such other officers and employees as are necessary for the proper conduct of the business of the Board shall be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

Procedure

(7) The Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

Quorum

(8) Three members of the Board constitute a quorum.

Duties of
Board

3.—(1) The Board shall be a committee of the Executive Council with the following powers and duties:

- (a) to co-ordinate the implementation of programs sanctioned or provided for by the Legislature;
- (b) to direct the preparation and review of forecasts, estimates and analyses of revenues, expenditures, commitments and other data pertaining to authorized or proposed programs and to assess the results thereof;
- (c) to control expenditures of public money within the amounts appropriated or otherwise provided for by the Legislature;
- (d) to approve organization and staff establishments in the public service;
- (e) to establish, prescribe or regulate such administrative policies and procedures as the Board considers

necessary for the efficient and effective operation of the public service generally;

(f) to initiate and supervise the development of management practices and systems for the efficient operation of the public service; and

(g) to report to the Executive Council on any other matter concerning general administrative policy in the public service that is referred to it by the Executive Council or on which the Board considers it desirable to report to the Executive Council.

(2) The Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. Board may require production of documents

(3) The Board may issue such administrative directives as it considers necessary in the performance of its duties. Administrative directives

(4) The Board may undertake or order such studies and examinations of the operation and administration of any part of the public service as the Board considers necessary for the performance of the duties of the Board. Studies

(5) The Board in the exercise of its powers and duties under this or any other Act is subject to the direction of the Executive Council which may amend or revoke any action of the Board. Board subject to direction of Executive Council

4.—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Board shall estimate the amount to be required for such expenditure and the Lieutenant Governor in Council upon the report of the Treasurer of Ontario that there is no appropriation for the expenditure and upon the report of the Board stating its estimate and upon the recommendation of the minister of the department concerned that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the payment of the amount estimated to be required for such expenditure. Special warrants

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. Warrant an appropriation

Board
orders

5. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, may make an order authorizing payments to be made against such amount as it considers proper.

Regulations

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) respecting the retention and disposal of records;
- (c) fixing the scale of allowances for travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service;
- (d) for any purpose necessary for the efficient administration of the public service;
- (e) prescribing salaries of Crown employees that have been determined through negotiation under section 27 or 28 of *The Public Service Act*.

R.S.O. 1970,
c. 386

Present
regulations
continued
R.S.O. 1970,
c. 166

(2) Any regulations made under section 5 of *The Financial Administration Act* that are in force immediately before this Act comes into force shall be deemed to have been made by the Board under subsection 1.

Chairman to
be minister
of
department
R.S.O. 1970,
c. 153

7. For the purposes of *The Executive Council Act*, the Chairman of the Board is a minister having charge of a department.

References to
Treasury
Board in
other Acts

8. Where a reference to the Treasury Board appears in any Act, regulation or order, it shall be deemed to be a reference to the Management Board of Cabinet.

R.S.O. 1970,
c. 166, ss. 2-5,
21, 22, 24,
repealed

9. Sections 2, 3, 4, 5, 21, 22 and 24 of *The Financial Administration Act* are repealed.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

11. This Act may be cited as *The Management Board of* Short title
Cabinet Act, 1971.

An Act to establish
the Management Board of Cabinet

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

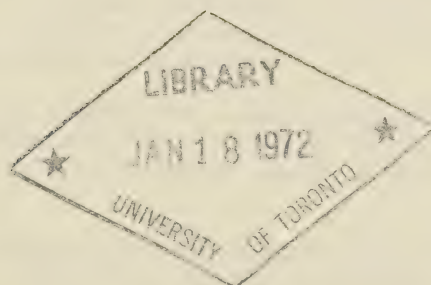
THE HON. W. G. DAVIS
Prime Minister

~~B 56~~

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to establish
the Policy and Priorities Board of Cabinet**

THE HON. W. G. DAVIS
Prime Minister



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 14

1971

An Act to establish the Policy and Priorities Board of Cabinet

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Board" means the Policy and Priorities Board of Cabinet. Interpretation

2.—(1) There shall be a Policy and Priorities Board of Cabinet which shall consist of the Chairman and not fewer than five and not more than six other members of the Executive Council designated from time to time by the Lieutenant Governor in Council. Establishment and composition of Board

(2) The Prime Minister is the Chairman of the Board. Chairman

(3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board. Chairman's powers and duties

(4) When the Chairman will be or is absent from any meeting he may appoint a member of the Board to preside at the meeting otherwise the members present at the meeting shall appoint a member to preside at the meeting. Absence of Chairman

(5) The Secretary to the Cabinet shall, from among the persons on the staff of the Cabinet office, provide the Board with such staff as is necessary for the proper conduct of the business of the Board. Staff

(6) The Board may determine its rules and methods of procedure and shall keep a minute book in which proceedings shall be recorded. Procedure

(7) Three members of the Board constitute a quorum. Quorum

3. The Board shall be the committee of the Executive Council which shall develop, review, co-ordinate and advise on policy and priorities relating to, Duties of Board

- (a) the overall long-term and short-term goals of governmental activity in relation to the social and economic needs of the Province of Ontario;
- (b) the general outline of budgetary and fiscal policy and of levels of taxation and priorities among expenditure programs in accordance with the goals;
- (c) recommendations submitted by policy field committees;
- (d) program proposals and other matters referred to the Board;
- (e) the periodic reappraisal of existing programs; and
- (f) inter-governmental relations.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Policy and Priorities Board of Cabinet Act, 1971*.

An Act to establish
the Policy and Priorities Board
of Cabinet

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

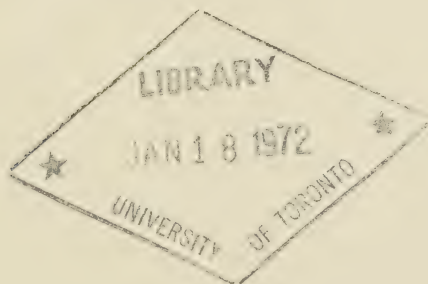
THE HON. W. G. DAVIS
Prime Minister

BILL 15

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Executive Council Act

THE HON. W. G. DAVIS
Prime Minister



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 15

1971

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Executive Council Act*, ^{s. 3 (1),} amended being chapter 153 of the Revised Statutes of Ontario, 1970, is amended by inserting after "department" in the second line "including every provincial secretary for policy development", so that the subsection shall read as follows:

(1) The annual salary of every minister having charge of ^{Salaries} a department including every provincial secretary for policy development is \$15,000.

2. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation. ^{ment}

3. This Act may be cited as *The Executive Council Amend-* ^{Short title} *ment Act, 1971.*

An Act to amend
The Executive Council Act

1st Reading

December 14th, 1971

2nd Reading

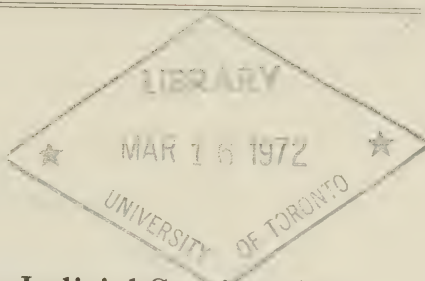
December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. W. G. DAVIS
Prime Minister

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Extra-Judicial Services Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The extra allowance given Supreme Court judges for duties under Acts of Ontario in addition to Supreme Court work is reduced to reflect recent increases in salaries as Supreme Court judges.

BILL 16

1971

**An Act to amend
The Extra-Judicial Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Extra-Judicial Services Act*, being^{s. 1,} amended chapter 155 of the Revised Statutes of Ontario, 1970, is amended by striking out "\$6,000" in the second line and inserting in lieu thereof "\$3,000".

2. This Act comes into force on the 1st day of January, 1972.^{Commence-}
ment

3. This Act may be cited as *The Extra-Judicial Services*^{Short title}
Amendment Act, 1971.

An Act to amend
The Extra-Judicial Services Act

1st Reading

December 14th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

(*Government Bill*)

BILL 16

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend The Extra-Judicial Services Act**

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 16

1971

**An Act to amend
The Extra-Judicial Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Extra-Judicial Services Act*, being^{s.1,}_{amended} chapter 155 of the Revised Statutes of Ontario, 1970, is amended by striking out "\$6,000" in the second line and inserting in lieu thereof "\$3,000".
2. This Act comes into force on the 1st day of January, 1972.^{Commence-}_{ment}
3. This Act may be cited as *The Extra-Judicial Services*^{Short title}
Amendment Act, 1971.

An Act to amend
The Extra-Judicial Services Act

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

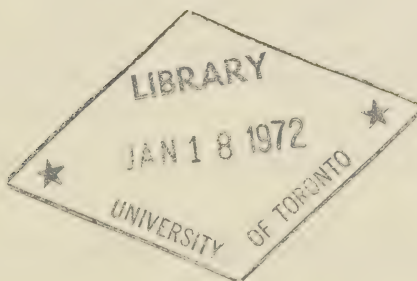
THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

BILL 17

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Surrogate Courts Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 17

1971

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 8 of *The Surrogate Courts Act*, s. 8 (4), being chapter 451 of the Revised Statutes of Ontario, 1970, re-enacted is repealed and the following substituted therefor:

- (4) Where the judge or junior judge of a county or district court is also the judge or junior judge of a surrogate court, there shall be paid out of the Consolidated Revenue Fund, Allowance where county court judge is also surrogate court judge
- (a) where the judge is the chief judge of the county and district courts, an allowance at the rate of \$5,500 per annum;
- (b) where the judge is a judge of the county court of the Judicial District of York, an allowance at the rate of \$3,000 per annum;
- (c) where the judge is a judge of any other county or district court or a junior judge of a county or district court or a judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$2,000 per annum.

2. This Act comes into force on the 1st day of January, 1972. Commencement

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1971* (No. 2). Short title

An Act to amend
The Surrogate Courts Act

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Ontario Human Rights Code

MR. LEWIS



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill adds the political opinion and the sex of a person to the grounds on which no person may discriminate against another in the manner set forth in the Act.

BILL 18

1971

An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being ^{Preamble amended} chapter 318 of the Revised Statutes of Ontario, 1970, is amended by inserting after "creed" in the seventh line "political opinion", and by inserting after "colour" in the eighth line "sex".

2. Subsection 1 of section 1 of the said Act is amended by ^{s. 1 (1), amended} inserting after "creed" in the fifth line "political opinion", and by inserting after "colour" in the sixth line "sex".

3. Section 2 of the said Act is amended by inserting after ^{s. 2, amended} "creed" in the tenth line "political opinion", and by inserting after "colour" in the tenth line "sex".

4. Section 3 of the said Act is amended by inserting after ^{s. 3, amended} "creed" in the eighth line "political opinion", and by inserting after "colour" in the eighth line "sex".

5.—(1) Subsection 1 of section 4 of the said Act is amended ^{s. 4 (1), amended} by inserting after "creed" in the fourth line "political opinion", and by inserting after "colour" in the fifth line "sex".

(2) Subsection 2 of the said section 4 is amended by ^{s. 4 (2), amended} inserting after "creed" in the third line "political opinion", and by inserting after "colour" in the third line "sex".

(3) Subsection 3 of the said section 4 is amended by ^{s. 4 (3), amended} inserting after "creed" in the fifth line "political opinion", and by inserting after "colour" in the fifth line "sex".

6.—(1) Clause *a* of section 9 of the said Act is amended by ^{s. 9 (a), amended} inserting after "creed" in the second line "political opinion", and by inserting after "colour" in the third line "sex".

s. 9 (c),
amended

(2) Clause *c* of the said section 9 is amended by inserting after "creed" in the third line "political opinion", and by inserting after "colour" in the third line "sex".

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1971*.

An Act to amend
The Ontario Human Rights Code

1st Reading

December 14th, 1971

2nd Reading

3rd Reading

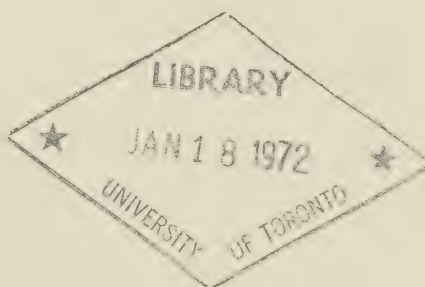
MR. LEWIS

(Private Member's Bill)

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Motorized Snow Vehicles Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 19

1971

An Act to amend The Motorized Snow Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Motorized Snow Vehicles Act*, being chapter 283 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

9a. No person shall, while driving or riding on a motorized snow vehicle,

<sup>s. 9a,
enacted</sup>
Firearms
or bows,
pursuing a
deer, bear
or wolf

(a) have in his possession,

(i) any firearm unless it is unloaded and encased, or

(ii) any bow unless it is unstrung or encased; or

(b) drive or pursue any deer; bear or wolf.

2. This Act comes into force on the day it receives Royal Assent.

^{Commence-}
ment

3. This Act may be cited as *The Motorized Snow Vehicles Amendment Act, 1971*.

^{Short title}

An Act to amend
The Motorized Snow Vehicles Act

1st Reading

December 15th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

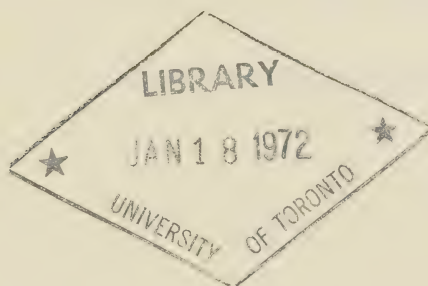
(Private Member's Bill)

BILL 20**Private Member's Bill**

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Insurance Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

IN SENATE
JANUARY 11, 1991

EXPLANATORY NOTE

Self-explanatory.

BILL 20

1971

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 357 of *The Insurance Act*, being chapter 224 of the ^{s. 357} Revised Statutes of Ontario, 1970, as re-enacted by the ^{re-enacted} Statutes of Ontario, 1971, chapter 84, section 20, is repealed and the following substituted therefor:

357. A person licensed as an agent for life insurance under this Act who makes a false or misleading statement or ^{False statements,} representation in the solicitation or negotiation of ^{coercion,} insurance, or coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a business or a professional relationship or otherwise, to give a preference in respect to the placing of life insurance that would not be otherwise given in the effecting of a life insurance contract, is guilty of an offence. ^{etc.}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Insurance Amendment* ^{Short title} Act, 1971.

An Act to amend
The Insurance Act

1st Reading

December 16th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for the
Control and Regulation of Snowmobiles**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 21

1971

An Act to provide for the Control and Regulation of Snowmobiles

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "highway" includes a common and public highway street and bridge intended for or used by the general public;
- (b) "municipality" means a locality the inhabitants of which are incorporated;
- (c) "snowmobile" means a motorized, self-propelled vehicle intended primarily for travel on snow or ice.

2. No person shall operate a snowmobile upon a highway

Snowmobiles
prohibited
on highways

3.—(1) A municipality may temporarily close a highway within the municipality in order to permit the holding of a snowmobile race or derby.

Snowmobile
derbies

(2) Notwithstanding subsection 1, no part of the King's Highway or any highway that intersects or runs into the King's Highway shall be closed under subsection 1.

Not to
affect King's
Highway

(3) Where a highway is temporarily closed by a municipality under subsection 1, the municipality shall give written notice of the closing to the chief of police or the chairman of the board of commissioners of police, as may be applicable, of the municipality and to the Minister of Justice and Attorney General.

Notice

(4) A notice under subsection 3 shall be delivered not less than one week prior to the date of the closing of the highway and shall state the date, length of time and purpose of the closing and the name and location of the highway to be closed.

Contents
of notice

- Police action** (5) The chief of police or the board of commissioners of police, as the case may be, upon receipt of the notice under subsection 3 shall take all steps necessary to provide for the protection of persons and property and the regulation of traffic as a result of the temporary closing and the holding of the snowmobile race or derby.
- Municipality not liable** (6) Where a municipality complies with the requirements of this section, the municipality shall not be held liable for any loss or damage arising out of the closing or any snowmobile race or derby held in connection therewith.
- Age restriction** 4. No person under the age of twelve years shall drive a snowmobile across a highway.
- Fire-arm restricted** 5.—(1) No person shall have a fire-arm on a snowmobile unless the fire-arm is unloaded and contained in a carrying-case.
- Bow restricted** (2) No person shall have a bow on a snowmobile unless the bow is unstrung or contained in a carrying-case.
- Hunting** 6. No person shall use a snowmobile for the purpose of driving or pursuing any deer or bear or wolf.
- Permitting operation by impaired person prohibited** 7. No person shall permit the operation of a snowmobile by a person whose ability to operate a snowmobile is impaired by reason of age, physical or mental disability, alcohol or a drug.
- Offences** 8. No person shall drive a snowmobile,
- (a) at a rate of speed greater than reasonable under the circumstances;
 - (b) without due care and attention or without reasonable consideration for other persons or property;
 - (c) while under the influence of alcohol or a drug;
 - (d) in a manner that creates an excessive or unusual level of motor or exhaust noise; or
 - (e) unless it is equipped with a muffler in good working order and in constant operation.
- Penalty** 9. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$100; and, for the second contravention of the

same provision within one year from the date of the first offence, to a fine of not less than \$100 and not more than \$500.

10. No snowmobile may be operated at a noise level greater^{Noise level} than 86 decibels measured at 50 feet from the machine.

11. This Act comes into force on a day to be named by the^{Commence-} Lieutenant Governor by his proclamation^{ment}.

12. This Act may be cited as *The Snowmobile Regulation*^{Short title} Act, 1971.

BILL 21

An Act to provide for the
Control and Regulation of Snowmobiles

1st Reading

December 17th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

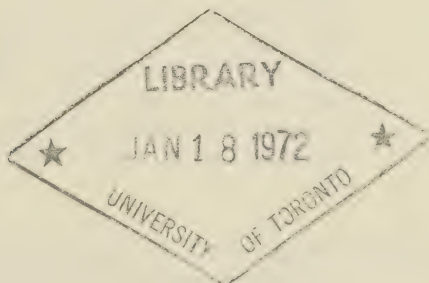
(Private Member's Bill)

BILL 22

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act for granting to Her Majesty certain
additional sums of money for the Public Service
for the fiscal year ending the 31st day of March, 1972**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



BILL 22

1971

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1972

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable ^{Preamble} William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1972; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$4,872,585,000 granted ^{\$172,969,000 granted for fiscal year 1971-72} by *The Supply Act, 1971*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole ^{1971, c. 103} \$172,969,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1971, to the 31st day of March, 1972, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of March, ^{Exception} 1972, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required

by certificate of the Treasury Board to the department administered by the Minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1971 (No. 2)*.

SCHEDULE

Department of Agriculture and Food	\$ 6,000,000
Department of Correctional Services	1,435,000
Department of the Environment	900,000
Department of Health	34,075,000
Department of Transportation and Communications	36,406,000
Department of Labour	2,000,000
Department of Lands and Forests	12,324,000
Department of Mines and Northern Affairs	1,000,000
Department of Municipal Affairs	28,500,000
Department of Public Works	13,050,000
Department of Social and Family Services	37,279,000
	<hr/>
	\$172,969,000
	<hr/>

An Act for granting to Her Majesty
certain additional sums of money
for the Public Service for the fiscal year
ending the 31st day of March, 1972

1st Reading

December 17th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario
and Minister of Economics

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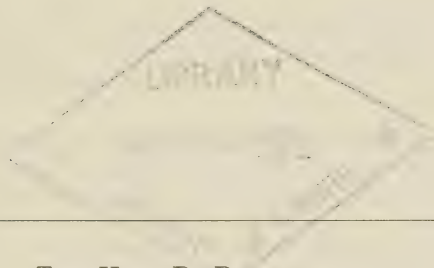
Government
Publication

BILL 1

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Condominium Act



THE HON. D. BALES
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill corrects references to sections of *The Planning Act*, with no change in substance.

BILL 1

1972

An Act to amend The Condominium Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- 24.—(1) Section 29 and clause *b* of subsection 1 of section 32 of *The Planning Act* do not apply in respect of dealings with units and common interests. Application of subdivision control R.S.O. 1970, c. 349
- (2) Subject to subsection 3, the provisions of section 33 of *The Planning Act* that apply to plans of subdivision apply *mutatis mutandis* to descriptions under this Act, and a description shall not be registered unless approved or exempted by the Minister of Municipal Affairs. Approval of descriptions under R.S.O. 1970, c. 349, s. 33
- (3) Before making an application under subsection 1 of section 33 of *The Planning Act*, the owner of a property or someone authorized by him in writing may apply to the Minister to have the description or any part of the description exempted from such section 33, or from any provision thereof, and where in the opinion of the Minister such exemption is appropriate in the circumstances, he may grant the exemption. Exemption
- (4) Section 34 of *The Planning Act* does not apply in respect to descriptions made for the purposes of this Act. R.S.O. 1970, c. 349, s. 34, not to apply

2. This Act shall be deemed to have come into force on the 1st day of September, 1971. Commencement

3. This Act may be cited as *The Condominium Amendment Act, 1972*. Short title

An Act to amend
The Condominium Act

1st Reading

February 29th, 1972

2nd Reading

3rd Reading

THE HON. D. BALES
Minister of Justice and
Attorney General

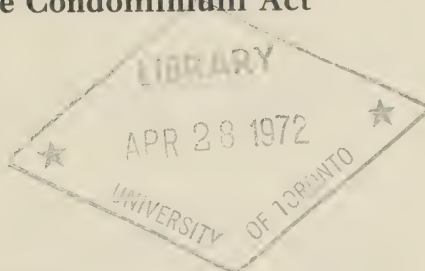
(Government Bill)

BAZON
KB
-B56

BILL 1

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Condominium Act



THE HON. D. BALES
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 1

1972

An Act to amend The Condominium Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 24,
re-enacted

- 24.—(1) Section 29 and clause *b* of subsection 1 of section 32 of *The Planning Act* do not apply in respect of dealings with units and common interests. Application
of
subdivision
control
R.S.O. 1970,
c. 349
- (2) Subject to subsection 3, the provisions of section 33 of *The Planning Act* that apply to plans of subdivision apply *mutatis mutandis* to descriptions under this Act, and a description shall not be registered unless approved or exempted by the Minister of Municipal Affairs. Approval of
descriptions
under
R.S.O. 1970,
c. 349, s. 33
- (3) Before making an application under subsection 1 of section 33 of *The Planning Act*, the owner of a property or someone authorized by him in writing may apply to the Minister to have the description or any part of the description exempted from such section 33, or from any provision thereof, and where in the opinion of the Minister such exemption is appropriate in the circumstances, he may grant the exemption. Exemption
- (4) Section 34 of *The Planning Act* does not apply in respect to descriptions made for the purposes of this Act. R.S.O. 1970,
c. 349, s. 34,
not to apply

2. This Act shall be deemed to have come into force on the 1st day of September, 1971. Commence-
ment

3. This Act may be cited as *The Condominium Amendment Act*, 1972. Short title

An Act to amend
The Condominium Act

1st Reading

February 29th, 1972

2nd Reading

April 17th, 1972

3rd Reading

April 18th, 1972

THE HON. D. BALES
Minister of Justice and
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Bills of Sale and Chattel Mortgages Act**

THE HON. D. A. BALES
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment provides for an effective date and time for mortgages and conveyances as against third parties.

SECTION 2. The time limit for registration of an instrument is changed to thirty days from its execution and the branch registrar is required to endorse the registration number on a statement that accompanies an instrument at the time of filing.

BILL 2

1972

**An Act to amend
The Bills of Sale and
Chattel Mortgages Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Bills of Sale and Chattel Mortgages Act*, ^{s. 13,} ~~re-enacted~~ being chapter 45 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

13. Every such mortgage or conveyance operates and takes effect as between the parties thereto upon, ^{When mortgage or conveyance to take effect} from and after the day and time of the execution thereof and as against creditors of the mortgagor or bargainor or as against subsequent purchasers or mortgagees in good faith for valuable consideration upon, from and after the day and time of registration.

2. Section 22 of the said Act is repealed and the following ^{s. 22,} ~~re-enacted~~ substituted therefor:

- 22.—(1) Except in the case of the Provisional County of Haliburton, the instruments mentioned in the preceding sections shall be registered within thirty days after the execution thereof in the office of the branch registrar of the county or district in which the property mortgaged or sold is at the time of the execution thereof. ^{Where instruments to be registered}

- (2) Where the property is situate in the Provisional ^{Haliburton} County of Haliburton, the instrument shall be registered within thirty days after the execution thereof in the office of the branch registrar for the County of Victoria.

- (3) The branch registrar shall,

Filing and
endorsing

- (a) file the instrument; and

(b) where the instrument,

(i) is accompanied by a statement in the prescribed form, endorse a registration number on the statement, or

(ii) is not accompanied by a statement in the prescribed form, endorse on the instrument the date and time of receiving it.

Certificate of registration

(4) The branch registrar shall give to a person registering an instrument a certificate of its registration if so requested.

Computation of time for registration

(5) Where there are more mortgagors or grantors than one, the time shall be computed from the execution of the instrument by the last mortgagor or grantor.

Application of Act

3. This Act applies to a mortgage or conveyance executed on or after the 1st day of July, 1972.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1972*.

SECTION 3. Self-explanatory.

An Act to amend
The Bills of Sale and Chattel
Mortgages Act

1st Reading

March 1st, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Minister of Justice and Attorney General

(Government Bill)

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-B56

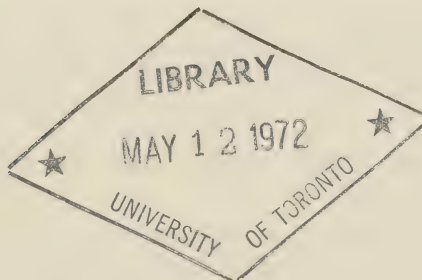
BILL 2

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Bills of Sale and Chattel Mortgages Act

THE HON. D. A. BALES
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 2

1972

**An Act to amend
The Bills of Sale and
Chattel Mortgages Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Bills of Sale and Chattel Mortgages Act*, ^{s. 13,} ^{re-enacted} being chapter 45 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

13. Every such mortgage or conveyance operates and takes effect as between the parties thereto upon, ^{When mortgage or conveyance to take effect} from and after the day and time of the execution thereof and as against creditors of the mortgagor or bargainor or as against subsequent purchasers or mortgagees in good faith for valuable consideration upon, from and after the day and time of registration.

2. Section 22 of the said Act is repealed and the following ^{s. 22,} ^{re-enacted} substituted therefor:

22.—(1) Except in the case of the Provisional County of Haliburton, the instruments mentioned in the preceding sections shall be registered within thirty days after the execution thereof in the office of the branch registrar of the county or district in which the property mortgaged or sold is at the time of the execution thereof. ^{Where instruments to be registered}

(2) Where the property is situate in the Provisional ^{Haliburton} County of Haliburton, the instrument shall be registered within thirty days after the execution thereof in the office of the branch registrar for the County of Victoria.

(3) The branch registrar shall, ^{Filing and endorsing}

(a) file the instrument; and

(b) where the instrument,

- (i) is accompanied by a statement in the prescribed form, endorse a registration number on the statement, or
- (ii) is not accompanied by a statement in the prescribed form, endorse on the instrument the date and time of receiving it.

Certificate of
registration

- (4) The branch registrar shall give to a person registering an instrument a certificate of its registration if so requested.

Computation
of time for
registration

- (5) Where there are more mortgagors or grantors than one, the time shall be computed from the execution of the instrument by the last mortgagor or grantor.

Application
of Act

- 3.** This Act applies to a mortgage or conveyance executed on or after the 1st day of July, 1972.

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1972*.

An Act to amend
The Bills of Sale and Chattel
Mortgages Act

1st Reading

March 1st, 1972

2nd Reading

April 17th, 1972

3rd Reading

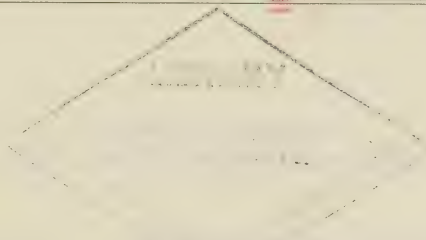
April 25th, 1972

THE HON. D. A. BALES
Minister of Justice and Attorney General

BILL 3

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Conditional Sales Act

THE HON. D. A. BALES
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The time limit for registration of a conditional sales contract is changed to thirty days after its execution.

Subsection 2. The subsection is amended to refer to the new subsection 9 added by section 1 (3) of this Bill.

Subsection 3. Provision is made for effective dates for conditional sales contracts as between the parties and as against third parties.

BILL 3

1972

**An Act to amend
The Conditional Sales Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 2 of *The* <sup>s. 2 (1) (b),
re-enacted</sup> *Conditional Sales Act*, being chapter 76 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (b) within thirty days after the execution of the contract, <sup>and a copy is
registered</sup> the contract or a true copy of it is registered,
- (i) except in the case of the Provisional County of Haliburton, in the office of the branch registrar of the county or district in which the purchaser resided at the time of the sale, or
- (ii) where the purchaser resided in the Provisional County of Haliburton at the time of the sale, in the office of the branch registrar of the County of Victoria,

and the renewal statement, if any, is registered as provided in section 5.

(2) Subsection 8 of the said section 2 is repealed and the <sup>s. 2 (8),
re-enacted</sup> following substituted therefor:

- (8) The word "creditors" in subsections 7 and 9 means <sup>Interpre-
tation</sup> creditors of a purchaser to whom goods have been delivered for the purpose of resale by him in the course of business.

(3) The said section 2 is amended by adding thereto the <sup>s. 2,
amended</sup> following subsection:

When
contract to
take effect

- (9) Every contract operates and takes effect as between the parties thereto upon, from and after the day and time of the execution thereof and as against creditors of the purchaser and as against subsequent purchasers or mortgagees claiming from or under the purchaser, without notice, in good faith and for valuable consideration upon, from and after the day and time of registration.

Application
of Act

- 2.** This Act applies to a contract executed on or after the 1st day of July, 1972.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Conditional Sales Amendment Act, 1972*.

SECTION 2. Self-explanatory.

An Act to amend
The Conditional Sales Act

1st Reading

March 1st, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Minister of Justice and Attorney General

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Conditional Sales Act

THE HON. D. A. BALES
Minister of Justice and Attorney General



BILL 3

1972

An Act to amend The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 2 of *The Conditional Sales Act*, being chapter 76 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (b) within thirty days after the execution of the contract, ^{s. 2 (1) (b), re-enacted} and a copy is registered the contract or a true copy of it is registered,
 - (i) except in the case of the Provisional County of Haliburton, in the office of the branch registrar of the county or district in which the purchaser resided at the time of the sale, or
 - (ii) where the purchaser resided in the Provisional County of Haliburton at the time of the sale, in the office of the branch registrar of the County of Victoria,

and the renewal statement, if any, is registered as provided in section 5.

(2) Subsection 8 of the said section 2 is repealed and the following substituted therefor: ^{s. 2 (8), re-enacted}

- (8) The word "creditors" in subsections 7 and 9 means ^{Interpretation} creditors of a purchaser to whom goods have been delivered for the purpose of resale by him in the course of business.

(3) The said section 2 is amended by adding thereto the following subsection: ^{s. 2, amended}

When
contract to
take effect

- (9) Every contract operates and takes effect as between the parties thereto upon, from and after the day and time of the execution thereof and as against creditors of the purchaser and as against subsequent purchasers or mortgagees claiming from or under the purchaser, without notice, in good faith and for valuable consideration upon, from and after the day and time of registration.

Application
of Act

- 2.** This Act applies to a contract executed on or after the 1st day of July, 1972.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Conditional Sales Amendment Act, 1972*.

An Act to amend
The Conditional Sales Act

1st Reading

March 1st, 1972

2nd Reading

April 17th, 1972

3rd Reading

April 25th, 1972

THE HON. D. A. BALES
Minister of Justice and Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

LIBRARY

**An Act to provide for the Establishment of
Ecological Sanctuaries in the Province of Ontario**

MRS. SCRIVENER

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to provide for the establishment in Ontario of areas set apart as sanctuaries for the preservation of plant and wildlife and within which no motor vehicles or motorized snow vehicles may be used for recreation during the winter season.

BILL 4

1972

**An Act to provide for the
Establishment of Ecological Sanctuaries
in the Province of Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "ecological sanctuary" means an area of land or water, or both, set apart under this Act;
- (b) "motor vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power;
- (c) "motorized snow vehicle" means a self-propelled vehicle designed to be driven exclusively on snow or ice or both;
- (d) "winter season" means the period of time commencing with the 22nd day of December in any year and ending with the 21st day of March in the following year.

2. The Lieutenant Governor in Council may set apart as an ecological sanctuary any area in Ontario.

Areas may
be set apart

3. Notwithstanding any other Act, the council of a municipality may set apart any area within the municipality as an ecological sanctuary.

Idem

4. No person shall hunt, take or kill or attempt to hunt, take or kill any bird, fish or animal in an ecological sanctuary.

Hunting and
fishing
prohibited

5. No person shall use or operate a motor vehicle or motorized snow vehicle for pleasure or recreation during the winter season in an ecological sanctuary.

Use of
vehicles for
recreation
prohibited
during winter

- Areas to be maintained in natural state **6.** Every ecological sanctuary shall be maintained in its natural state in order to preserve the total pattern of relationships between birds, fish and animals and their environment within the ecological sanctuary.
- Offence **7.** Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.
- Commence-ment **8.** This Act comes into force on the day it receives Royal Assent.
- Short title **9.** This Act may be cited as *The Ontario Ecological Sanctuaries Act, 1972*.

An Act to provide for the Establishment of
Ecological Sanctuaries in the Province of
Ontario

1st Reading

March 1st, 1972

2nd Reading

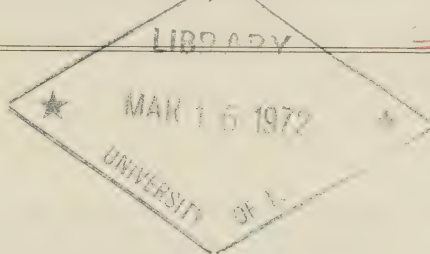
3rd Reading

MRS. SCRIVENER

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

Government
Publications



**An Act to provide for the Appointment of a Commissioner
to investigate Administrative Decisions and Acts of Officials
of the Government of Ontario and its Agencies, and to
define the Commissioner's Powers and Duties**

MR. SINGER

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agency" means an agency of the Government of Ontario;
- (b) "Commissioner" means the Commissioner of the Legislature appointed under this Act;
- (c) "department" means a department of the Government of Ontario;
- (d) "minister" means a member of the Executive Council.

2. There shall be appointed by the Lieutenant Governor in Council on the recommendation of the Assembly as an officer of the Legislature a commissioner, to be called the Commissioner of the Legislature, who shall exercise the powers and perform the duties specified in this Act.

Appoint-
ment

3. The Commissioner shall not be a member of the Assembly and shall not hold any office of trust or profit, other than his office as Commissioner, or engage in any occupation for reward outside the duties of his office.

To hold
no other
office

4.—(1) The recommendation for the appointment of the Commissioner shall be made in the first session of every Legislature.

Term of
office

Re-appoint-
ment

(2) Unless his office sooner becomes vacant, every person appointed as Commissioner shall hold office until his successor is appointed, and every such person may from time to time be re-appointed.

Resignation

(3) The Commissioner may at any time resign his office by a writing addressed to the Speaker of the Assembly or, if there is no Speaker or if the Speaker is absent from Ontario, to the Clerk of the Assembly.

Removal
from office

5.—(1) The Commissioner may at any time be removed or suspended from his office by the Lieutenant Governor in Council on the recommendation of the Assembly for disability, neglect of duty, misconduct or upon a bankruptcy.

Suspension
when
Legislature
not in
session

(2) At any time when the Legislature is not in session, the Commissioner may be suspended from his office by the Lieutenant Governor in Council for disability, neglect of duty, misconduct or upon a bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but any such suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Filling of
vacancy

6.—(1) If the Commissioner dies, retires, resigns or is removed from office, the vacancy thereby created shall be filled in accordance with this section.

When
Legislature
in session

(2) If a vacancy in the office of Commissioner occurs at any time while the Legislature is in session, it shall be filled by the appointment of a Commissioner by the Lieutenant Governor in Council on the recommendation of the Assembly, but, if the vacancy occurs less than one month before the end of that session and no such recommendation is made in that session, subsection 3 applies as if the vacancy had occurred while the Legislature was not in session.

When
Legislature
not in
session

(3) If such a vacancy occurs at any time while the Legislature is not in session, the Lieutenant Governor in Council may appoint a Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the Assembly, and, if the appointment is not so confirmed within two months after the commencement of the next ensuing session, the appointment lapses, and there shall be deemed to be another vacancy in the office of Commissioner.

Oath of
office

7.—(1) Before entering upon his duties, the Commissioner shall take an oath that he will faithfully and impartially perform the duties of his office and that he will not, except in accordance with subsection 3 of section 16, divulge any information received by him under this Act.

(2) The oath shall be administered by the Speaker of the ^{Idem} Assembly or by the Clerk of the Assembly.

8.—(1) Subject to subsection 2, the Commissioner may ^{Staff} appoint such officers and employees as may be necessary for the efficient carrying out of his functions under this Act.

(2) The number of persons that may be appointed under ^{Idem} this section, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Lieutenant Governor in Council.

9.—(1) The principal function of the Commissioner is to ^{Functions} investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any department or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any Act.

(2) The Commissioner may make any such investigation ^{Initiation of investigation} either on a complaint made to him by any person or of his own motion, and he may commence any such investigation notwithstanding that the complaint may not on its face be against any such decision, recommendation, act or omission as aforesaid.

(3) Without limiting subsection 1, any committee of the ^{Referrals by committees} Assembly may at any time refer to the Commissioner, for investigation and report by him, any petition that is before that committee for consideration or any matter to which the petition relates, and, in any such case, the Commissioner shall, subject to any special directions of the committee, investigate the matters so referred to him so far as they are within his jurisdiction and make such report to the committee as he thinks fit, but nothing in section 12, 17 or 18 applies in respect of any investigation or report made under this subsection.

(4) The powers and duties conferred on the Commissioner ^{Powers and duties paramount} by this Act may be exercised and performed notwithstanding any provision in any Act to the effect that any decision, recommendation, act or omission mentioned in subsection 1 is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

(5) Nothing in this Act authorizes the Commissioner to ^{Areas outside jurisdiction} investigate,

(a) any decision, recommendation, act or omission in respect of which there is under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act, whether or not that right of appeal or objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired; or

(b) any decision, recommendation, act or omission of any person acting as a solicitor for the Crown or acting as counsel for the Crown in relation to any proceedings.

Determina-
tion of
jurisdiction

(6) If any question arises as to whether the Commissioner has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guide
rules

10.—(1) The Assembly may from time to time, if it thinks fit, make general rules for the guidance of the Commissioner in the exercise of his functions, and may at any time in like manner revoke or vary any such rules.

Publication
of reports

(2) Any such rules may authorize the Commissioner from time to time, in the public interest or in the interests of any person or department or agency, to publish reports relating generally to the exercise of his functions under this Act or to any particular case or cases investigated by him, whether or not the matters to be dealt with in any such report have been the subject of a report to the Assembly under this Act.

Publication
of rules

(3) All such rules shall be printed and published.

Mode of
complaint

11.—(1) Every complaint to the Commissioner shall be made in writing.

Letters
to be
forwarded

R.S.O. 1970,
cc. 363, 269

(2) Notwithstanding any Act, where a letter written by any person in custody on a charge or after conviction of any offence, or by any inmate of any private sanitarium within the meaning of *The Private Sanitaria Act* or an institution within the meaning of *The Mental Hospitals Act*, is addressed to the Commissioner, it shall be immediately forwarded, unopened, to the Commissioner by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is an inmate.

Commis-
sioner may
refuse to
investigate
complaint

12.—(1) If in the course of the investigation of any complaint it appears to the Commissioner,

- (a) that under the law or existing administrative practice there is an adequate remedy, other than the right to petition the Legislature, for the complainant, whether or not he has availed himself of it; or
- (b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Commissioner by this Act, the Commissioner may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commissioner, or if in his opinion,

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Commissioner decides not to investigate or further investigate a complaint, he shall inform the complainant of his decision, and he may, if he thinks fit, state his reasons therefor.

13.—(1) Before investigating any matter under this Act, the Commissioner shall inform the deputy minister of the department affected, or, as the case may require, the administrative head of the agency affected, of his intention to make the investigation.

(2) Every investigation by the Commissioner under this Act shall be conducted in private.

(3) The Commissioner may hear or obtain information from such persons as he thinks fit, and he may make such inquiries as he thinks fit.

(4) It is not necessary for the Commissioner to hold any hearing and no person is entitled as of right to be heard by the Commissioner, but, if at any time during the course of an investigation it appears to the Commissioner that there

may be sufficient grounds for his making a report or recommendation that may adversely affect any department, agency or person, he shall give to that department, agency or person an opportunity to be heard, and at any such hearing the department, agency or person is entitled to counsel.

Consultations

(5) The Commissioner may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Idem

(6) On the request of any minister in relation to an investigation or in any case where an investigation relates to any recommendation made to a minister, the Commissioner shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 17.

Misconduct

(7) If, during or after any investigation, the Commissioner is of opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department or agency, he shall refer the matter to the appropriate authority.

Regulation of procedure

(8) Subject to this Act and any rules made under section 10, the Commissioner may regulate his procedure in such manner as he thinks fit.

Evidence

14.—(1) Subject to this section and section 15, the Commissioner may from time to time require any person who in his opinion is able to give any information relating to any matter that is being investigated by him to furnish to him any such information and to produce any such document, paper or thing that in his opinion relates to any such matter and that may be in the possession or under the control of such person, whether or not such person is an officer, employee or member of a department or agency, and whether or not such document, paper or thing is in the custody or under the control of any such department or agency.

Power to take evidence on oath

(2) The Commissioner may summon before him and examine on oath,

(a) any person who is an officer or employee or member of any department or agency and who in the Commissioner's opinion is able to give any information mentioned in subsection 1;

(b) any complainant; or

(c) with the prior approval of the Minister of Justice

and Attorney General in each case, any other person who in the Commissioner's opinion is able to give such information,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by any Act to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Commissioner in relation to that matter, or to produce to the Commissioner any document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure. ^{Duty to maintain secrecy paramount}

(4) With the prior consent in writing of a complainant, any ^{Idem} person to whom subsection 3 applies may be required by the Commissioner to supply information or answer any question or produce any document, paper or thing relating only to the complainant, and it is duty of the person to comply with such requirement.

(5) Every person has the same privileges in relation to the giving of information, the answering of questions and the production of documents, papers and things under this Act as witnesses have in any court. ^{Privilege}

(6) Except on the trial of a person for perjury, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Commissioner is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Commissioner shall be given against any person. ^{Evidence not admissible elsewhere}

(7) No person is liable to prosecution for an offence against any Act by reason of his compliance with any requirement of the Commissioner under this section. ^{No prosecution}

15.—(1) Where the Minister of Justice and Attorney General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of, ^{Disclosure of certain matters not to be required}

(a) the deliberations of the Executive Council; or

(b) proceedings of the Executive Council, or any committee thereof, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Commissioner shall not require the information or answer to be given or, as the case may be, the document, paper or thing to be produced, but shall report the giving of such a certificate to the Legislature.

Rule as to
privileged
documents,
etc., does
not apply

(2) Subject to subsection 1, the rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure of the document, paper or thing or the answering of the question would be injurious to the public interest, does not apply in respect of any investigation by or proceedings before the Commissioner.

Secrecy

16.—(1) The Commissioner and every person holding any office or appointment under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.

Oath

(2) Every person holding any office or appointment under the Commissioner shall, before he begins to perform his duties under this Act, take an oath, to be administered by the Commissioner, that he will not divulge any information received by him under this Act except for the purpose of giving effect to this Act.

Exception

(3) Notwithstanding subsection 1, the Commissioner may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Procedure
after
investigation

17.—(1) This section applies in every case where, after making any investigation under this Act, the Commissioner is of opinion that the decision, recommendation, act or omission that was the subject-matter of the investigation,

(a) appears to have been contrary to law;

(b) was unreasonable, unjust, oppressive, improperly discriminatory or was, in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory;

(c) was based wholly or partly on a mistake of law or fact; or

(d) was wrong.

Idem

(2) This section also applies in any case where the Commissioner is of opinion that in the making of the decision or

recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Commissioner is of opinion, Opinion,
etc., to be
reported to
department

- (a) that the matter should be referred to the appropriate authority for further consideration ;
- (b) that the omission should be rectified ;
- (c) that the decision should be cancelled or varied ;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered ;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered ;
- (f) that reasons should have been given for the decision ;
or
- (g) that any other steps should be taken,

the Commissioner shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency concerned, and may make such recommendations as he thinks fit, and in any such case he may request the department or agency to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations.

(4) If within a reasonable time after the report is made no action is taken that seems to the Commissioner to be adequate and appropriate, the Commissioner, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency affected, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may thereafter make such report to the Legislature on the matter as he thinks fit. Report to
Cabinet and
Assembly

(5) The Commissioner shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the department or agency concerned. Idem

Comment
adverse
to person

(6) Notwithstanding anything in this section, the Commissioner shall not, in any report made under this Act, make any comment that is adverse to any person unless the person has been given an opportunity to be heard.

Complainant
to be
informed of
result of
investigation

18.—(1) Where on any investigation under this Act the Commissioner makes a recommendation under subsection 3 of section 17 and no action that seems to the Commissioner to be adequate and appropriate is taken thereon within a reasonable time, the Commissioner shall inform the complainant of his recommendation and make such comments on the matter as he thinks fit.

Idem

(2) The Commissioner shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Private
clause

19. No proceedings of the Commissioner shall be held bad for want of form and, except on the ground of lack of jurisdiction, no proceedings or decision of the Commissioner shall be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged

20.—(1) No proceedings lie against the Commissioner or against any person holding any office or appointment under the Commissioner for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Not
compellable
as witnesses

(2) Neither the Commissioner nor any person holding any office or appointment under the Commissioner shall be called upon to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Privilege

(3) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

R.S.O. 1970,
c. 243

(4) For the purposes of *The Libel and Slander Act*, any report made by the Commissioner under this Act shall be deemed to be privileged, and a fair and accurate report in a newspaper or a broadcast shall be deemed to be privileged.

Power
to enter
premises

21.—(1) For the purposes of this Act but subject to this section, the Commissioner may at any time enter upon any premises occupied by any department or agency and inspect the premises and, subject to sections 14 and 15, carry out therein any investigation that is within his jurisdiction.

(2) Before entering upon any such premises, the Commissioner shall notify the deputy minister of the department or, as the case may require, the administrative head of the agency that occupies the premises of his intention so to do. ^{Notice}

22.—(1) With the prior approval of the Lieutenant Governor in Council, the Commissioner may from time to time, by writing under his hand, delegate to any person holding any office under him any of his powers under this Act, except this power of delegation and the power to make any report under this Act. ^{Delegation of powers}

(2) Any such delegation may be made to a specified person or to the holder for the time being of a specified office or to the holders of offices of a specified class. ^{To whom powers may be delegated}

(3) Every such delegation is revocable at will, and no such delegation prevents the exercise of any power by the Commissioner. ^{Delegations revocable}

(4) Any such delegation may be made subject to such restrictions and conditions as the Commissioner thinks fit, and may be made either generally or in relation to any particular case or class of cases. ^{Scope of delegations}

(5) Until any such delegation is revoked, it continues in force according to its tenor and, in the event of the Commissioner by whom it was made ceasing to hold office, continues to have effect as if made by his successor. ^{Life of delegations}

(6) Any person purporting to exercise any power of the Commissioner by virtue of such a delegation shall, when required to do so, produce evidence of his authority to exercise the power. ^{Evidence of delegated powers}

23. Without limiting his right to report at any other time, but subject to subsection 6 of section 17 and to any rules made under section 10, the Commissioner shall in each year make a report to the Legislature on the exercise of his functions under this Act. ^{Annual report}

24. Every person commits an offence against this Act and is liable on summary conviction to a fine of not more than \$500 who, ^{Offences}

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Commissioner or any other person in the exercise of his powers under this Act;

- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Commissioner or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his powers under this Act.

Provisions
are in
addition
to other
laws

25. The provisions of this Act are in addition to the provisions of any other Act or any rule of law under which any remedy or right of appeal or objection is provided for any person or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Short title

26. This Act may be cited as *The Commissioner of the Legislature Act, 1971*.

An Act to provide for the Appointment
of a Commissioner to investigate Admin-
istrative Decisions and Acts of Officials of
the Government of Ontario and its Agencies,
and to define the Commissioner's Powers
and Duties

1st Reading

March 1st, 1972

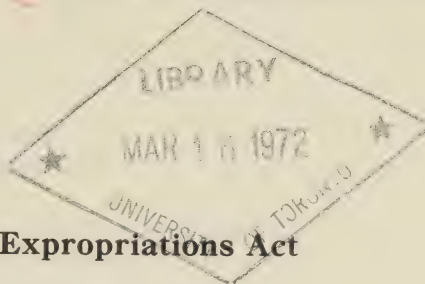
2nd Reading

3rd Reading

MR. SINGER

(*Private Member's Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Expropriations Act

THE HON. D. A. BALES
Minister of Justice and Attorney General

EXPLANATORY NOTES

The amendments are to make it clear that in determining the market value of land no account shall be taken of any increase or decrease in value resulting from the development as well as the imminence of the development in respect of which an expropriation is made.

Where two or more expropriating authorities, including Her Majesty the Queen in right of Canada, participate in a development or a number of developments, the Lieutenant Governor in Council is authorized to make regulations designating such developments as co-operative developments for the purposes of the provisions of the Act respecting the determination of market value.

BILL 6

1972

An Act to amend The Expropriations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 4 of section 14 of *The Expropriations Act*, being chapter 154 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*b*) any increase or decrease in the value of the land resulting from the development or the imminence of the development in respect of which the expropriation is made or from any expropriation or imminent prospect of expropriation.

(2) The said section 14 is amended by adding thereto the following subsections:

(5) Where two or more expropriating authorities, including Her Majesty the Queen in right of Canada, participate in a development or a number of related developments, the Lieutenant Governor in Council may, by regulation, designate such development or developments as a co-operative development and subsection 4 shall apply to the determination of the market value of any land expropriated by any of the participating provincial expropriating authorities for any aspect or part of the co-operative development as if the entire co-operative development was a single development being carried out by that expropriating authority.

(6) Any regulation made under subsection 5 and filed under *The Regulations Act* in the year 1972 may be retroactive in its application and may provide that it comes into force and has effect on and after a day not earlier than the 2nd day of March, 1972.

Commence-
ment

2. This Act shall be deemed to have come into force on the 2nd day of March, 1972.

Short title

3. This Act may be cited as *The Expropriations Amendment Act, 1972*.

An Act to amend
The Expropriations Act

1st Reading

March 2nd, 1972

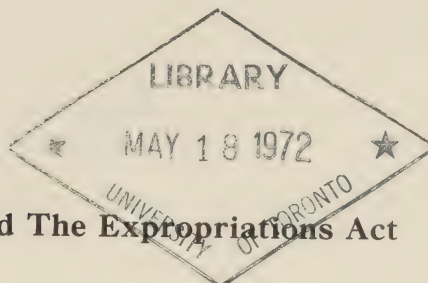
2nd Reading

3rd Reading

THE HON. D. A. BALES
Minister of Justice and Attorney General

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Expropriations Act

THE HON. D. A. BALES
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 6

1972

An Act to amend The Expropriations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 4 of section 14 of *The Expropriations Act*, being chapter 154 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (b) any increase or decrease in the value of the land resulting from the development or the imminence of the development in respect of which the expropriation is made or from any expropriation or imminent prospect of expropriation.

(2) The said section 14 is amended by adding thereto the following subsections:

- (5) Where two or more expropriating authorities, including Her Majesty the Queen in right of Canada, participate in a development or a number of related developments, the Lieutenant Governor in Council may, by regulation, designate such development or developments as a co-operative development and subsection 4 shall apply to the determination of the market value of any land expropriated by any of the participating provincial expropriating authorities for any aspect or part of the co-operative development as if the entire co-operative development was a single development being carried out by that expropriating authority.
- (6) Any regulation made under subsection 5 and filed under *The Regulations Act* in the year 1972 may be retroactive in its application and may provide that it comes into force and has effect on and after a day not earlier than the 2nd day of March, 1972.

Commence-
ment

2. This Act shall be deemed to have come into force on the 2nd day of March, 1972.

Short title

3. This Act may be cited as *The Expropriations Amendment Act, 1972*.

An Act to amend
The Expropriations Act

1st Reading

March 2nd, 1972

2nd Reading

April 17th, 1972

3rd Reading

April 25th, 1972

THE HON. D. A. BALES
Minister of Justice and Attorney General

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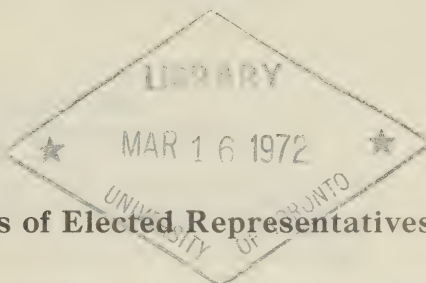
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BILL 7

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

~~Government~~
Publication



An Act respecting Ethics of Elected Representatives

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides a code of ethics covering the use of influence and performance of services for gain and applies to members of the Legislative Assembly and members of municipal councils and school boards.

An Act respecting Ethics of Elected Representatives

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act “elected representative” means a member of ^{Interpre-} the Legislative Assembly, a member of a municipal council or ^{tation} a member of a school board.

2. No elected representative shall,

Ethics

- (a) ask, receive or agree to receive any form of compensation, from a source other than public funds, for performing his duties as a public official or for services in connection with any judicial or administrative proceeding or activity wherein his official position might reasonably be expected to give him unusual influence;
- (b) ask, receive or agree to receive anything of value upon any understanding that his vote, opinion, judgment or action will be influenced thereby;
- (c) receive any gift having a value of \$25 or more under circumstances in which it could reasonably be inferred that the gift was made to influence him in the performance of his official duties; or
- (d) use his official position to secure privileges or exemptions for himself or others, or have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature that is in substantial conflict with the proper discharge of his duties in the public interest.

3. Each elected representative shall, on or before the 31st day of January in each year, file with,

Report of
financial
interest in
regulated
activities

- (a) in the case of a member of the Legislative Assembly, the Clerk of the Assembly;
- (b) in the case of a member of a municipal council, the clerk of the municipality; or
- (c) in the case of a member of a school board, the secretary of the board,

a written report in respect of the preceding calendar year, or part thereof in which he was an elected representative, of each financial interest, direct or indirect, of a value in excess of \$500 of himself, his spouse and his dependants in any activity that is regulated under the jurisdiction of the body on which he serves as an elected representative or any agency thereof.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Elected Representatives' Ethics Act, 1972*.

BILL 7

An Act respecting
Ethics of Elected Representatives

1st Reading

March 2nd, 1972

2nd Reading

3rd Reading

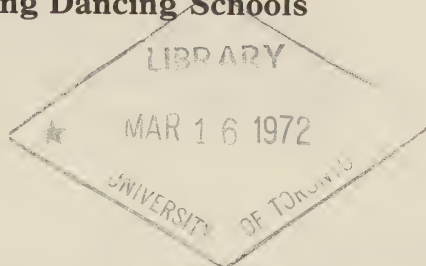
MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

Governments
Publications

An Act respecting Dancing Schools



MR. DREA

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill limits the amount of registration fee a dancing school may charge and provides for proportionate rebates of the cost of a course of instruction when not commenced or when the course is ceased to be taken before completion.

BILL 8

1972

An Act respecting Dancing Schools

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "dancing school" means any studio or ^{Interpre-} place wherein the art or skill of dancing is taught or pur-^{tation} ported to be taught, other than a school maintained under any Act of the Legislature.

2. A dancing school may charge a registration fee which ^{Maximum} shall not exceed 10 per cent of the total cost of the course ^{registration} of instruction or \$50, whichever is the lesser, and which shall ^{fee} be applied to the total cost of the course of instruction.

3. Where a person gives to the keeper or operator of a ^{Rebate when} dancing school or to a salesman, representative or teacher ^{course not} of the dancing school, prior to the commencement date of a ^{commenced} course of instruction, notice in writing of the person's intention not to commence the course of instruction, the keeper or operator of the school shall refund any money paid for or on account of the fees by or on behalf of the person, except the registration fee provided for in section 1.

4. Where a person gives to the keeper or operator of a ^{Rebate when} dancing school or to a salesman, representative or teacher ^{course} of the dancing school, after the commencement date of a ^{ceased to} course of instruction, notice in writing of the person's ^{be taken} intention to cease taking the course of instruction, the keeper or operator of the dancing school shall be entitled to retain,

- (a) the registration fee under section 1;
- (b) the proportion of the fees for the whole course of instruction that the part of the course of instruction supplied and serviced up to the time of receipt of the notice bears to the whole course of instruction; and

(c) the greater of,

(i) the sum of \$25, and

(ii) 10 per cent of the difference between the fees for the whole course of instruction and the proportion of the fees that the part of the course of instruction supplied and serviced up to the time of receipt of the notice bears to the whole course of instruction.

Offence

5.—(1) Every person keeping or operating a dancing school who contravenes any of the provisions of section 2, 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a second or subsequent offence and in case of either a first, second or subsequent offence, either in default of payment of any fine imposed or in addition to any such fine, to imprisonment for a term of not more than six months.

Increase
in fines

(2) Subsection 1 shall be deemed to apply *mutatis mutandis* to any company except that the fines may be increased in the discretion of the provincial judge to not more than \$25,000.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Dancing Schools Regulation Act, 1972*.

An Act respecting
Dancing Schools

1st Reading

March 2nd, 1972

2nd Reading

3rd Reading

MR. DREA

(Private Member's Bill)

3
B 56

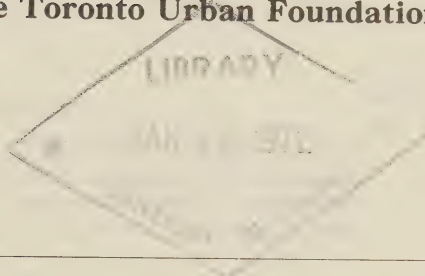
BILL 9

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

GOVERNMENT
Publications

An Act to establish The Toronto Urban Foundation



MRS. SCRIVENER

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to establish a foundation to study the sociological and psychological effects of urban living upon residents in Metropolitan Toronto and to assist in the long range planning of urban areas in Ontario.

BILL 9

1972

An Act to establish The Toronto Urban Foundation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Board of Governors of The Toronto Urban Foundation;
- (b) "Foundation" means The Toronto Urban Foundation;
- (c) "Minister" means the Minister of Municipal Affairs.

2. A foundation to be known as "The Toronto Urban Foundation" is hereby established, and the affairs of the Foundation shall be under the management and control of the Board.

Foundation
established

3. The objects of the Foundation are,

Objects

- (a) to study the sociological and psychological effects of urban living upon persons living in The Municipality of Metropolitan Toronto;
- (b) to inform the Minister as to the results of any study made by the Foundation;
- (c) to advise the Minister as to the results of current research related to the sociological and psychological effects upon persons that result from living in a large urban area; and
- (d) upon the request of the Minister, to consider any matter relating to sociological or psychological effects upon persons of living in a large urban area, and to advise the Minister thereon.

Board
established

4.—(1) The affairs of the Foundation shall be managed and controlled by a board of governors to be known as The Board of Governors of The Toronto Urban Foundation.

Composition

(2) The Board shall be composed of the following members appointed by the Lieutenant Governor in Council upon the recommendation of the Minister:

1. Members or representatives, or both, of the Metropolitan Council of The Municipality of Metropolitan Toronto.
2. Persons who are residents of The Municipality of Metropolitan Toronto.
3. Representatives of any organizations whose primary function is the consideration of matters related to the objects of the Foundation.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) fixing the number of members of the Board to be appointed under subsection 2 and prescribing their terms of office;
- (b) prescribing the conditions of service of members of the Board, including rules for eligibility for re-appointment, conditions under which membership is vacated and procedures for filling vacancies on the Board.

Powers of
Board

5. The Board may,

- (a) make by-laws, rules and regulations for the administration of its affairs, including the fixing of a quorum of the Board; and
- (b) appoint committees from among its members to act for the Board with respect to any matter or classes of matters.

Chairman
and vice-
chairman

6.—(1) The Board shall elect a chairman and vice-chairman from among its members for a period of one year, but the chairman and vice-chairman shall continue to hold office until their successors are elected.

Presiding
officer

(2) The chairman shall preside at all meetings of the Board and, in his absence, the vice-chairman shall preside, and, in the absence of both of them, the members present at a meeting shall elect one of themselves to preside.

7. The Board shall make a report annually to the Minister^{Annual report} upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

8. This Act comes into force on the day it receives Royal^{Commence-} Assent^{ment}.

9. This Act may be cited as *The Toronto Urban Foundation* Short title
Act, 1972.

An Act to establish
The Toronto Urban Foundation

1st Reading

March 3rd, 1972

2nd Reading

3rd Reading

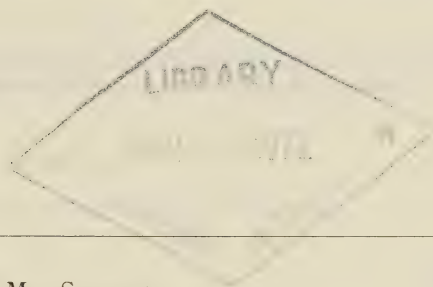
MRS. SCRIVENER

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

Government
Publications

An Act to amend The Consumer Protection Act



MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill introduces the concept of strict liability for the manufacturing, selling or leasing of defective and/or dangerous consumer products.

BILL 10

1972

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part:

PART IIIA

CONSUMER PRODUCT LIABILITY

43a. In this Part,

Interpre-
tation

- (a) "consumer" means a person who purchases goods for personal, family or household purposes, but does not include a person who purchases for the purpose of carrying on business;
- (b) "consumer product" means any product intended for or customarily used for personal, family or household purposes;
- (c) "damage" includes physical or emotional injury, property damage or economic loss to a consumer;
- (d) "defect" or "defective condition" means any aspect, characteristic, or design of a product, inherent or otherwise, which makes the product dangerous.

43b. A manufacturer, seller or lessor of any consumer product in a defective condition is liable to a consumer for damage caused by the defective condition unless the consumer, Strict
liability

(a) knew or reasonably should have known of the defect;

(b) knew or reasonably should have known the magnitude of the risk and the potential for harm presented by the defect; or

(c) has misused the product in a manner reasonably unforeseeable within the general usage of the product.

Warning 43c. In determining questions of knowledge, the effect of a warning is not to be taken into account in the case of a product reasonably anticipated to be used primarily by children.

Burden of proof 43d.—(1) A defect shown to have existed in a consumer product at the time of injury is admissible in evidence and is *prima facie* proof that the defect existed in the product when it left the control of the manufacturer.

Malfunction (2) A malfunction of the product is admissible in evidence and is *prima facie* proof of a defect.

Seller liability 43e.—(1) Where a seller or lessor of a defective consumer product fails upon request from a consumer or his agent to reveal any information available to him as to the manufacture and distribution of the defective product, he is liable under this Act to the same extent as a manufacturer.

Idem (2) Any seller or lessor of a consumer product, found liable under section 43b, has full rights of recovery against the manufacturer of such consumer product to the full extent that the seller or lessor has been found liable to the consumer, unless the defect is the result of some action or inaction of the seller or lessor.

Right of recovery 43f. Nothing in this Act limits in any way any rights of recovery, either in tort or in contract, at common law or by any statute of Canada or statute of Ontario.

Compliance with safety codes 43g.—(1) Compliance with any federal, provincial or municipal safety code, standard or regulation is not a defence to an action brought under this Act.

- (2) Failure to comply with any federal, provincial or ^{Failure to} municipal safety code, standard or regulation ^{comply with} is ^{safety codes} *prima facie* proof that the product is defective within the definition of clause *d* of section 43*a*.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Consumer Protection* ^{Short title} *Amendment Act, 1972*.

An Act to amend
The Consumer Protection Act

1st Reading

March 3rd, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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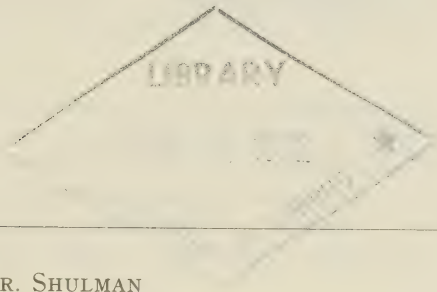
BILL 11

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

Government
Publication

An Act to amend The Coroners Act



MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 11

1972

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

35a. Any person whose conduct is relevant to an inquest or who might be affected by the verdict of an inquest is entitled to cross-examine any witness giving evidence at the inquest and to call and examine witnesses in his own behalf, personally or through counsel, subject to the evidence so adduced being relevant, as determined by the coroner.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Coroners Amendment Act*.

An Act to amend The Coroners Act

1st Reading

March 6th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Labour Relations Act



MR. DREA

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The effect of the Bill is to provide that no trade union may be certified under the Act that sends any part of the moneys paid in by its members to any place outside Canada; sending such moneys outside Canada after certification is grounds for decertification.

BILL 12

1972

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "or if it keeps at or sends to any place outside Canada the whole or any part of moneys paid to the trade union by its members in respect of initiation fees, monthly dues or any other assessment or levy". s. 12,
amended

2. The said Act is amended by adding thereto the following section: s. 50a,
enacted

50a. If a trade union that has obtained a certificate keeps at or sends to any place outside Canada at any time the whole or any part of moneys paid to the trade union by its members in respect of initiation fees, monthly dues or any other assessment or levy, the Board may declare that the trade union no longer represents the employees in the bargaining unit and, upon the making of such declaration, the trade union is not entitled to claim any rights or privileges flowing from certification. Termination
for sending
moneys
outside
Canada

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Labour Relations Amendment Act, 1972*. Short title

An Act to amend
The Labour Relations Act

1st Reading

March 6th, 1972

2nd Reading

3rd Reading

MR. DREA

(Private Member's Bill)

BILL 13

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

LIBRARY

An Act to amend The Public Health Act

MR. DEANS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires that drugs and medicines be sold only in child-proof containers.

BILL 13

1972

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

CHILD-PROOF CONTAINERS

58a.—(1) No person shall sell or offer for sale a drug to which *The Pharmacy Act* applies or a medicine registered under the *Proprietary or Patent Medicine Act* (Canada) that is not contained in a container that bears the mark of approval of a testing organization under subsection 2.

Sale of drugs
and
medicines in
approved
containers
R.S.O. 1970,
c. 348
R.S.C. 1970,
c. P-4

(2) The Lieutenant Governor in Council may make regulations designating an organization to test and approve the types, designs and specifications of containers suitable to make the contents inaccessible to small children and providing for the affixing of a mark of approval on containers manufactured in accordance with the approved type, design and specifications.

Regulations

2. This Act comes into force on the 1st day of July, 1972.

Commence-
ment

3. This Act may be cited as *The Public Health Amendment Act*, 1972.

Short title

An Act to amend
The Public Health Act

1st Reading

March 7th, 1972

2nd Reading

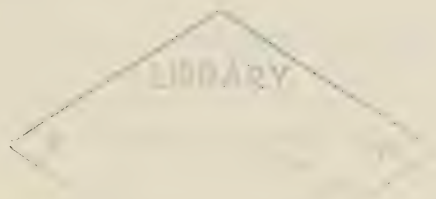
3rd Reading

MR. DEANS

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Cemeteries Act



MR. SHULMAN

EXPLANATORY NOTE

Self-explanatory.

BILL 14

1972

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 80 of *The Cemeteries Act*, ^{s. 80 (1), amended} being chapter 57 of the Revised Statutes of Ontario, 1970, is amended by inserting at the commencement thereof “Subject to subsection 3”, so that the subsection shall read as follows:

- (1) Subject to subsection 3, no body shall be cremated ^{Coroner's certificate} unless a certificate in the prescribed form, signed by a coroner of the municipality in which the death took place, has been deposited with the owner, which certificate shall contain the statement that the cause of death has been definitely ascertained and that there exists no reason for further inquiry or examination.

(2) The said section 80 is amended by adding thereto the ^{s. 80, amended} following subsection:

- (3) Where a coroner has investigated the circumstances ^{Saving} of a death and has issued his warrant to bury the body, the certificate mentioned in subsection 1 need not be filed.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Cemeteries Amendment* ^{Short title} Act, 1972.

BILL 14

An Act to amend The Cemeteries Act

1st Reading

March 7th, 1972

2nd Reading

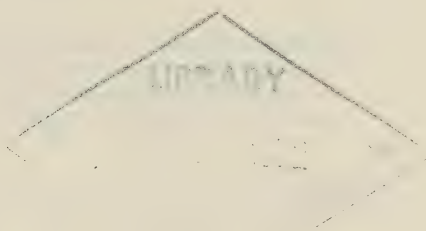
3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Health Studios



MR. DREA

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill limits the amount of registration fee a health studio may charge and provides for proportionate rebates of the cost of a program of exercise or weight reduction when not commenced or when the program is ceased to be taken before completion.

An Act respecting Health Studios

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "health studio" means any studio or place<sup>Interpre-
tation</sup> operated for private gain wherein physical exercise or weight reduction programs are conducted or where facilities are made available for either or both of such purposes.

2. A health studio may charge a registration fee which shall<sup>Maximum
registration
fee</sup> not exceed 10 per cent of the total cost of the program of exercise or weight reduction or \$50, whichever is the lesser, and which shall be applied to the total cost of the program of exercise or weight reduction.

3. Where a person gives to the keeper or operator of a<sup>Rebate when
program not
commenced</sup> health studio or to a salesman, representative or teacher of the health studio, prior to the commencement date of a program of exercise or weight reduction, notice in writing of the person's intention not to commence the program of exercise or weight reduction, the keeper or operator of the health studio shall refund any money paid for or on account of the fees by or on behalf of the person, except the registration fee provided for in section 2.

4. Where a person gives to the keeper or operator of a<sup>Rebate when
program
ceased to be
taken</sup> health studio or to a salesman, representative or teacher of the health studio, after the commencement date of a program of exercise or weight reduction, notice in writing of the person's intention to cease taking the program of exercise or weight reduction, the keeper or operator of the health studio shall be entitled to retain,

- (a) the registration fee under section 2;
- (b) the proportion of the fees for the whole program of exercise or weight reduction that the part of the pro-

gram of exercise or weight control supplied and serviced up to the time of receipt of the notice bears to the whole program of exercise or weight reduction; and

(c) the greater of,

(i) the sum of \$25, and

(ii) 10 per cent of the difference between the fees for the whole program of exercise or weight reduction and the proportion of the fees that the part of the program of exercise or weight reduction supplied and serviced up to the time of receipt of the notice bears to the whole program of exercise or weight reduction.

Offence

5.—(1) Every person keeping or operating a health studio who contravenes any of the provisions of section 2, 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a second or subsequent offence, and in case of either a first, second or subsequent offence, either in default of payment of any fine imposed or in addition to any such fine, to imprisonment for a term of not more than six months.

Increase
in fines

(2) Subsection 1 shall be deemed to apply *mutatis mutandis* to any company except that the fines may be increased in the discretion of the provincial judge to not more than \$25,000.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Health Studios Regulation Act, 1972*.

BILL 15

An Act respecting Health Studios

1st Reading

March 7th, 1972

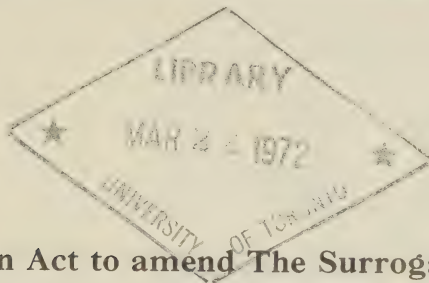
2nd Reading

3rd Reading

MR. DREA

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Surrogate Courts Act

THE HON. D. A. BALES
Minister of Justice and Attorney General

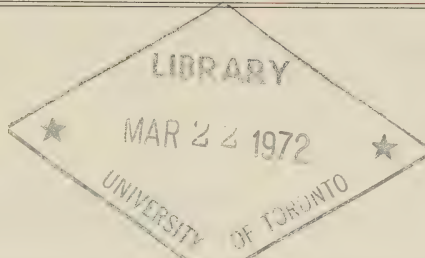
TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment permits surrogate court judges to perform judicial functions in other counties without the express order of the chief judge in each instance.

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Edible Oil Products Act

THE HON. W. A. STEWART
Minister of Agriculture and Food

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The purpose of the Bill is to permit the blending of certain dairy products with edible oil products.

The Bill also enlarges the authority to make regulations.

BILL 17

1972

An Act to amend The Edible Oil Products Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Edible Oil Products Act*, ^{s. 1 (b),} re-enacted being chapter 138 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*b*) “dairy product” means any milk product designated by name as a milk product in *The Milk Act* or ^{R.S.O. 1970,} designated as a milk product or fluid milk product ^{c. 273} in the regulations made thereunder.

2. Section 2 of the said Act is amended by striking out ^{s. 2,} “Subject to section 3” in the first line. ^{amended}

3.—(1) Section 7 of the said Act is amended by adding ^{s. 7,} thereto the following clause: ^{amended}

(*ba*) prescribing standards for the operation and maintenance of premises and facilities in which any edible oil product is manufactured, packed or stored.

(2) Clause *i* of the said section 7 is repealed and the ^{s. 7 (i),} following substituted therefor: ^{re-enacted}

(*i*) exempting any manufacturer, wholesaler or retailer of any edible oil product from this Act and the regulations, and prescribing terms and conditions therefor.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

5. This Act may be cited as *The Edible Oil Products* ^{Short title} *Amendment Act, 1972.*

An Act to amend
The Edible Oil Products Act

1st Reading

March 9th, 1972

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 16

1972

**An Act to amend
The Surrogate Courts Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Surrogate Courts Act*, ^{s. 11 (1),} being chapter 451 of the Revised Statutes of Ontario, 1970, ^{re-enacted} is repealed and the following substituted therefor:

- (1) A judge appointed for the surrogate court of one or more counties may exercise the powers and perform ^{Judge acting outside county} the duties of a surrogate court judge in any other county in the same manner and to the same effect as a judge appointed for that county.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Surrogate Courts Amendment Act*, 1972. ^{Short title}

An Act to amend
The Surrogate Courts Act

1st Reading

March 9th, 1972

2nd Reading

3rd Reading

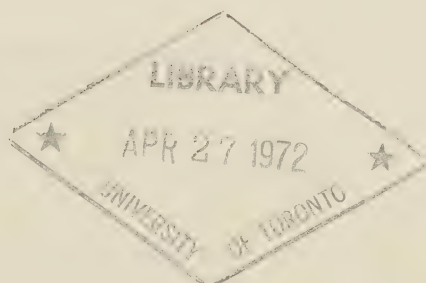
THE HON. D. A. BALES
Minister of Justice and Attorney General

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Edible Oil Products Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



BILL 17

1972

An Act to amend The Edible Oil Products Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Edible Oil Products Act*, ^{s.1 (b), re-enacted} being chapter 138 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*b*) “dairy product” means any milk product designated by name as a milk product in *The Milk Act* or ^{R.S.O. 1970, c. 273} designated as a milk product or fluid milk product in the regulations made thereunder.

2. Section 2 of the said Act is amended by striking out ^{s.2, amended} “Subject to section 3” in the first line.

3.—(1) Section 7 of the said Act is amended by adding ^{s.7, amended} thereto the following clause:

(*ba*) prescribing standards for the operation and maintenance of premises and facilities in which any edible oil product is manufactured, packed or stored.

(2) Clause *i* of the said section 7 is repealed and the ^{s.7 (i), re-enacted} following substituted therefor:

(*i*) exempting any manufacturer, wholesaler or retailer of any edible oil product from this Act and the regulations, and prescribing terms and conditions therefor.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

5. This Act may be cited as *The Edible Oil Products* ^{Short title} *Amendment Act, 1972.*

An Act to amend
The Edible Oil Products Act

1st Reading

March 9th, 1972

2nd Reading

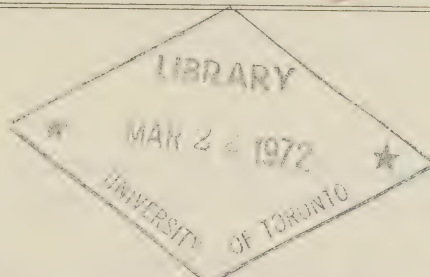
April 10th, 1972

3rd Reading

April 13th, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



**An Act to amend The Dog Tax and
Live Stock and Poultry Protection Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food

EXPLANATORY NOTES

The Bill removes the obligation of a local municipality to collect a dog tax but retains the power in the municipality to pass a by-law providing for the collection of licence fees on dogs.

Under the present section 7 of the Act, by-laws for regulating the running at large of dogs may be passed,

- (a) by councils of towns, townships and villages and by councils of cities having a population of less than 100,000; and
- (b) by boards of commissioners of police in cities having a population of 100,000 or more.

The Bill re-enacts section 7 to provide that all by-laws made thereunder shall in future be passed by the council.

BILL 18

1972

An Act to amend The Dog Tax and Live Stock and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Dog Tax and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Title
re-enacted

The Dog Licensing and Live Stock and Poultry Protection Act

2. The heading immediately preceding section 2 of the said Act is struck out and the following substituted therefor: Heading
re-enacted

DOG LICENSING

3. Sections 2, 3 and 4 of the said Act are repealed. ss. 2-4,
repealed
4. Subsections 2 and 3 of section 5 of the said Act are repealed and the following substituted therefor: s. 5 (2, 3),
re-enacted
- (2) On payment of the licence fee for a dog, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times during the year and until he is furnished with a tag for the following year, but the tag may be removed while the dog is being lawfully used for hunting deer in the bush. Dog tags
- (3) A fee not exceeding 25 cents may be charged for each tag. Fee
for tag
- (4) A tag shall bear a serial number and the year in which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing Serial
number
of tag,
etc.

the name and address of the owner and the serial number of the tag.

Offence

- (5) Every owner who fails to comply with subsection 2 or who uses a tag upon a dog other than that for which it was issued is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

s. 6,
re-enacted

- 5.** Section 6 of the said Act is repealed and the following substituted therefor:

Tax on
kennel of
pure-bred
dogs

6. Where a by-law is passed by the council of a local municipality under subsection 1 of section 5, the owner of a kennel of dogs that are pure-bred shall pay an annual licence fee of \$25 to the treasurer of the municipality as a licence fee for the kennel, and he is not liable to pay in respect of such pure-bred dogs any licence fee under the by-law.

s. 7 (1),
re-enacted

- 6.** Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Prohibiting
or regulating
the running
at large of
dogs

- (1) By-laws may be passed by the council of a local municipality for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.

Commence-
ment

- 7.** This Act comes into force on the 1st day of January, 1973.

Short title

- 8.** This Act may be cited as *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1972*.

An Act to amend
The Dog Tax and Live Stock
and Poultry Protection Act

1st Reading

March 9th, 1972

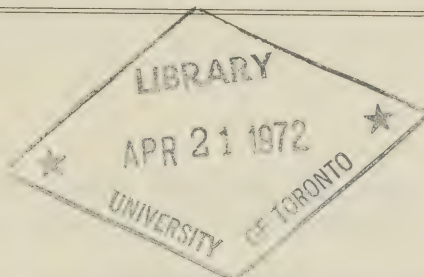
2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



**An Act to amend The Dog Tax and
Live Stock and Poultry Protection Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill removes the obligation of a local municipality to collect a dog tax but retains the power in the municipality to pass a by-law providing for the collection of licence fees on dogs.

Under the present section 7 of the Act, by-laws for regulating the running at large of dogs may be passed,

- (a) by councils of towns, townships and villages and by councils of cities having a population of less than 100,000; and
- (b) by boards of commissioners of police in cities having a population of 100,000 or more.

The Bill re-enacts section 7 to provide that all by-laws made thereunder shall in future be passed by the council.

BILL 18

1972

An Act to amend The Dog Tax and Live Stock and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Dog Tax and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{Title re-enacted}

The Dog Licensing and Live Stock and Poultry Protection Act

2. The heading immediately preceding section 2 of the said Act is struck out and the following substituted therefor: ^{Heading re-enacted}

DOG LICENSING

3. Sections 2, 3 and 4 of the said Act are repealed. ^{ss. 2-4, repealed}

4. Subsections 2 and 3 of section 5 of the said Act are repealed and the following substituted therefor: ^{s. 5 (2, 3), re-enacted}

(2) On payment of the licence fee for a dog, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting deer in the bush. ^{Dog tags}

(3) A fee not exceeding 25 cents may be charged for each tag. ^{Fee for tag}

(4) A tag shall bear a serial number and the year in which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing ^{Serial number of tag, etc.}

the name and address of the owner and the serial number of the tag.

Offence

- (5) Every owner who fails to comply with subsection 2 or who uses a tag upon a dog other than that for which it was issued is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

s. 6,
re-enacted

5. Section 6 of the said Act is repealed and the following substituted therefor:

Tax on
kennel of
pure-bred
dogs

6. Where a by-law is passed by the council of a local municipality under subsection 1 of section 5, the owner of a kennel of dogs that are pure-bred shall pay an annual licence fee of \$25 to the treasurer of the municipality as a licence fee for the kennel, and he is not liable to pay in respect of such pure-bred dogs any licence fee under the by-law.

s. 7 (1),
re-enacted

6.—(1) Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Prohibiting
or regulating
the running
at large of
dogs

- (1) By-laws may be passed by the council of a local municipality for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.

s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsection:

Penalty

- (3) Every owner of a dog who allows it to run at large contrary to a by-law made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

Commence-
ment

7.—(1) This Act, except sections 1 to 5 and subsection 1 of section 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 5 and subsection 1 of section 6 come into force on the 1st day of January, 1973.

Short title

8. This Act may be cited as *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1972*.

An Act to amend
The Dog Tax and Live Stock
and Poultry Protection Act

1st Reading

March 9th, 1972

2nd Reading

April 10th, 1972

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(*Reprinted as amended by the
Committee of the Whole House*)

BILL 18

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend The Dog Tax and
Live Stock and Poultry Protection Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 18

1972

An Act to amend The Dog Tax and Live Stock and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Dog Tax and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{Title re-enacted}

The Dog Licensing and Live Stock and Poultry
Protection Act

2. The heading immediately preceding section 2 of the said Act is struck out and the following substituted therefor: ^{Heading re-enacted}

DOG LICENSING

3. Sections 2, 3 and 4 of the said Act are repealed. ^{ss. 2-4, repealed}

4. Subsections 2 and 3 of section 5 of the said Act are repealed and the following substituted therefor: ^{s. 5 (2, 3), re-enacted}

(2) On payment of the licence fee for a dog, the owner ^{Dog tags} shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting deer in the bush.

(3) A fee not exceeding 25 cents may be charged for each ^{Fee for tag} tag.

(4) A tag shall bear a serial number and the year in which ^{Serial number of tag, etc.} it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing

the name and address of the owner and the serial number of the tag.

- | | |
|--|---|
| Offence | (5) Every owner who fails to comply with subsection 2 or who uses a tag upon a dog other than that for which it was issued is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. |
| s. 6,
re-enacted | 5. Section 6 of the said Act is repealed and the following substituted therefor: |
| Tax on
kennel of
pure-bred
dogs | 6. Where a by-law is passed by the council of a local municipality under subsection 1 of section 5, the owner of a kennel of dogs that are pure-bred shall pay an annual licence fee of \$25 to the treasurer of the municipality as a licence fee for the kennel, and he is not liable to pay in respect of such pure-bred dogs any licence fee under the by-law. |
| s. 7 (1),
re-enacted | 6.— (1) Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor: |
| Prohibiting
or regulating
the running
at large of
dogs | (1) By-laws may be passed by the council of a local municipality for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law. |
| s. 7,
amended | (2) The said section 7 is amended by adding thereto the following subsection: |
| Penalty | (3) Every owner of a dog who allows it to run at large contrary to a by-law made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. |
| Commence-
ment | 7.— (1) This Act, except sections 1 to 5 and subsection 1 of section 6, comes into force on the day it receives Royal Assent. |
| Idem | (2) Sections 1 to 5 and subsection 1 of section 6 come into force on the 1st day of January, 1973. |
| Short title | 8. This Act may be cited as <i>The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1972.</i> |

BILL 18

An Act to amend
The Dog Tax and Live Stock
and Poultry Protection Act

1st Reading

March 9th, 1972

2nd Reading

April 10th, 1972

3rd Reading

April 13, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



**An Act to amend
The Municipality of Metropolitan Toronto Act**

MR. GIVENS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to change the title of the chairman of the Metropolitan Council to Mayor of Metropolitan Toronto and to provide that the holder of that office shall be elected at large by the voters in Metropolitan Toronto.

BILL 19

1972

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "chairman" wherever it occurs and inserting in lieu thereof in each instance "Mayor of Metropolitan Toronto".

2. Clause *c* of section 1 of the said Act is repealed.

s. 1 (c),
repealed

3. Subsections 5, 6 and 7 of section 5 of the said Act are repealed and the following substituted therefor:

s. 5 (5, 6),
re-enacted,
s. 5 (7),
repealed

(5) The Mayor of Metropolitan Toronto shall be elected by a general vote of the persons entitled to vote at municipal elections in the area municipalities.

Election of
Mayor of
Metropolitan
Toronto

(6) The term of office of the Mayor of Metropolitan Toronto shall be three years commencing on the 1st day of January in the year following his election to office, and until his successor is elected under this section.

Term of
office

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972*.

Short title

An Act to amend
The Municipality of
Metropolitan Toronto Act

1st Reading

March 9th, 1972

2nd Reading

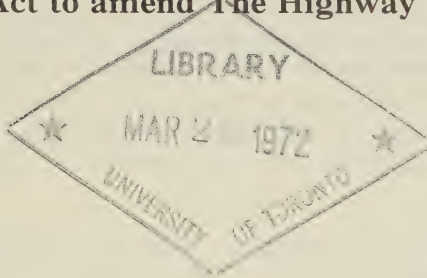
3rd Reading

MR. GIVENS

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act



MR. BURR

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This amendment extends the definition of "highway" to include privately-owned parking lots where no fee is charged for parking, such as shopping centres.

BILL 20

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 11 of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

11. "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and a privately-owned parking lot upon which the public is invited to park vehicles without charge.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

An Act to amend
The Highway Traffic Act

1st Reading

March 9th, 1972

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

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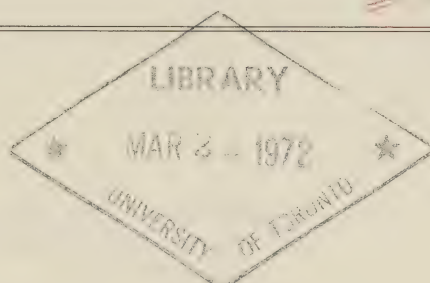
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Government
Publications

BILL 21

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Public Lands Act

MR. HAGGERTY

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purposes of this Bill are to limit leases of public lands to ten year terms, prevent leasing of public lands that will interfere with waterfront usage of public lands by the immediate community, and prevent the leasing of public lands to persons who are not Canadian citizens or corporations that are not Canadian controlled.

BILL 21

1972

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

19a. Notwithstanding any other provision of this Act, on and after the date this section comes into force no public land shall be disposed of by lease,

(a) for a term of more than ten years;

(b) where such disposition will interfere with or restrict access to a body of water by persons resident in the area adjacent thereto; or

(c) to a person who is not a Canadian citizen or to a corporation that is controlled directly or indirectly by persons who are not Canadian citizens.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Public Lands Amendment Act, 1972*.

An Act to amend
The Public Lands Act

1st Reading

March 9th, 1972

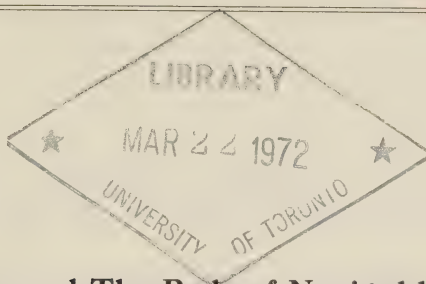
2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Beds of Navigable Waters Act

MR. HAGGERTY

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to provide a uniform interpretation of deeds of property bounded by navigable water so that the high water mark shall be deemed to be the boundary of such property.

BILL 22

1972

An Act to amend The Beds of Navigable Waters Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Beds of Navigable Waters Act*, being chapter 41 ^{Act. amended} of the Revised Statutes of Ontario, 1970, is amended by renumbering section 1 as section 1*a* and by adding thereto the following section:

1. In this Act,

Interpre-
tation

(a) “bed” used in relation to a navigable body of water shall include all land and land under water lying below the high water mark; and

(b) “high water mark” shall mean the level at which the water in a navigable body of water has been held for a period sufficient to leave a watermark along the bank of such navigable body of water.

(2) Section 1*a* of the said Act, as renumbered by subsection ^{s. 1*a*, amended} 1, is amended by adding thereto the following subsections:

(2) Where in any patent, conveyance or deed from the Crown made either heretofore or hereafter, the boundary of any land is described as a navigable body of water or the edge, bank, beach, shore, shoreline or high water mark thereof or in any other manner with relation thereto, such boundary shall be deemed always to have been the high water mark of such navigable body of water. ^{Where boundary body of navigable water}

(3) The Minister of Lands and Forests may, upon the recommendation of the Surveyor-General for Ontario, ^{Minister may fix high water mark} fix the high water mark of any navigable body of

water or any part thereof, and his decision shall be final and conclusive.

s. 2,
amended

2. Section 2 of the said Act is amended by striking out "Section 1" in the first line and inserting in lieu thereof "Section 1a".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Beds of Navigable Waters Amendment Act, 1972*.

An Act to amend
The Beds of Navigable Waters Act

1st Reading

March 9th, 1972

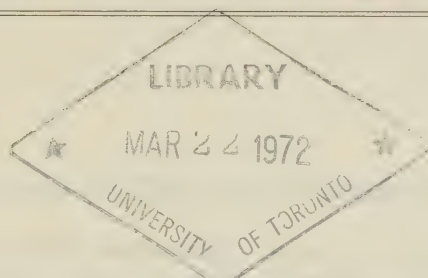
2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Public Health Act

MR. LELUK

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to ensure that pharmacists and medical practitioners who dispense drugs in tablet or capsule form will dispense the drugs in child-resistant safety containers and that patent medicines in tablet or capsule form that are packaged for sale in Ontario will be packaged in child-resistant safety containers.

BILL 23

1972

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

58a.—(1) Where any drug for which a standard is contained in a publication mentioned in Schedule C is dispensed by a pharmaceutical chemist or a legally qualified medical practitioner in tablet or capsule form in a container other than the container provided by the manufacturer of the drug, the tablets or capsules shall be dispensed in a child-resistant safety container that complies with the Canadian Government Specifications Board Standard for Safety Containers for Pharmaceutical Products number 104-GP-1 of March, 1970.

(2) Where a medicine registered under the *Proprietary or Patent Medicine Act* (Canada) is packaged for sale in Ontario in tablet or capsule form, the medicine shall be packaged in child-resistant safety containers that comply with the Canadian Government Specifications Board Standard for Safety Containers for Pharmaceutical Products number 104-GP-1 of March, 1970.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Public Health Amendment Act, 1972*.

An Act to amend
The Public Health Act

1st Reading

March 13th, 1972

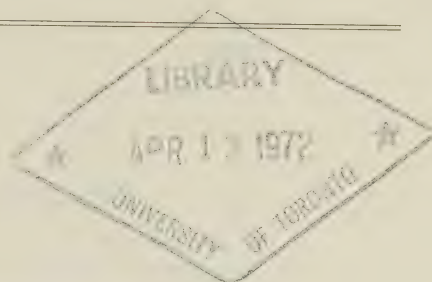
2nd Reading

3rd Reading

MR. LELUK

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 —



The Nursing Homes Act, 1972

THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill is a revision of *The Nursing Homes Act*. The principal changes include the following:

1. Nursing homes are required to provide skilled nursing care to persons who require that level of care.
2. Payment for insured services with prescribed co-payment by the resident is payment in full and additional charges for private and semi-private accommodation are controlled.
3. Procedure is provided to authorize interim management of nursing homes where the health, welfare and safety of the residents are endangered.
4. The establishment of new homes is required to be based on public need.

BILL 24

1972

The Nursing Homes Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Nursing Homes Review Board established under section 6;
- (b) "Director" means the Director appointed under subsection 2 of section 2;
- (c) "inspector" means an inspector appointed under section 15;
- (d) "licensee" means a person who is the holder of a licence under this Act;
- (e) "Minister" means the Minister of Health;
- (f) "Ministry" means the Ministry of Health;
- (g) "nursing home" means any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons, but does not include any premises falling under the jurisdiction of,
 - (i) *The Charitable Institutions Act*, R.S.O. 1970, c. 62
 - (ii) *The Children's Boarding Homes Act*, R.S.O. 1970, c. 65
 - (iii) *The Children's Mental Health Centres Act*, R.S.O. 1970, c. 68
 - (iv) *The Homes for the Aged and Rest Homes Act*, R.S.O. 1970, c. 206
 - (v) *The Mental Hospitals Act*, R.S.O. 1970, c. 270

R.S.O. 1970,
c. 361

(iv) *The Private Hospitals Act*, or

R.S.O. 1970,
c. 378

(vii) *The Public Hospitals Act*;

(h) "regulations" means the regulations made under this Act;

(i) "resident" means a person admitted to and lodged in a nursing home. R.S.O. 1970, c. 302, s. 1; 1971, c. 34, s. 1, *amended*.

Administra-
tion of Act

2.—(1) The Minister is responsible for the administration and enforcement of this Act and the regulations. R.S.O. 1970, c. 302, s. 2.

Director

(2) The Minister shall appoint an officer of the Ministry to be the Director for the purposes of this Act. *New*.

Licence
required

3. No person shall establish, operate or maintain a nursing home except under the authority of a licence issued by the Director under this Act. R.S.O. 1970, c. 302, s. 3, *amended*.

Issuance
of licence

4.—(1) Subject to subsection 2, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a nursing home and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

Grounds for
refusal

(2) Subject to section 7, the Director may refuse to issue a licence where in his opinion,

(a) the proposed nursing home or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;

(b) there is no public need for the nursing home in the area where the applicant proposes to establish, operate or maintain the nursing home;

(c) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the home will not be operated in accordance with the law and with honesty and integrity;

(d) the applicant is not competent to operate a nursing home in a responsible manner in accordance with this Act and the regulations or is not in a position to furnish or provide the required services. 1971, c. 34, s. 3, *part, amended*.

(3) A licence expires twelve months after the date of its issue or renewal. Expiration of licence

(4) A licence is not transferable. Not transferable

(5) Where a licensee is a corporation, the licensee shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation. Notice of changes

(6) Every person who is licensed to establish, maintain and operate a nursing home under *The Nursing Homes Act*, being chapter 302 of the Revised Statutes of Ontario, 1970, immediately before this Act comes into force, shall be deemed to be licensed under this Act and unless sooner surrendered or revoked, the licence continues in force until the expiry date thereof subject to this Act and the regulations. *New.* Continuance

5. The Director may revoke or refuse to renew a nursing home licence where, Revocation and refusal to renew

- (a) the licensee is in contravention of this Act or the regulations or of any other Act or regulation that applies to the nursing home;
- (b) there is a breach of a condition of the licence;
- (c) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the nursing home;
- (d) where the licensee is a corporation a change in its officers or directors would, if it were an applicant, afford grounds for refusing to issue a licence under clause c of subsection 2 of section 4;
- (e) the nursing home is being operated in a manner that is prejudicial to the health, safety or welfare of the residents cared for therein. 1971, c. 34, s. 3, *part.*

6.—(1) The Nursing Homes Review Board is established and shall be composed of not fewer than three and not more than seven members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman. Nursing Homes Review Board

(2) A majority of the members of the Board constitute a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Board. Quorum

Remunera-
tion

(3) The members of the Board who are not employed in the public service of Ontario shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. 1971, c. 34, s. 3, *part.*

Protection
from personal
liability

(4) No action or other proceeding for damages shall be instituted against the Director, any member of the Board, or anyone acting under the authority of such Director or member, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. *New.*

Notice of
proposal to
revoke or
refuse to
renew

7.—(1) Where the Director proposes to refuse to issue or renew or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board where
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

Extension
of time for
requiring
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.

Continuation
of licence
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of his licence, a licensee

has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 34, s. 3, *part.*

8.—(1) The Director, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of a hearing under section 7 shall afford the ^{Notice of hearing} applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(3) An applicant or licensee who is a party to proceedings ^{Examination of documentary evidence} under subsection 1 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not have ^{Members holding hearing not to have taken part in investigation, etc.} taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing ^{Recording of evidence} shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a ^{Findings of fact} hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971.* 1971, c. 47

Only
members at
hearing to
participate in
decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1971, c. 34, s. 3, *part*.

Appeal
to court

9.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1971, c. 34, s. 3, *part*.

Service of
notice

10. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. 1971, c. 34, s. 3, *part*.

11. The Minister may at any time during the course of the proceedings under sections 7 to 9 apply *ex parte* to a judge of the High Court by originating notice of motion for an interim order authorizing the Director to occupy and operate the nursing home under section 12 pending the outcome of the proceedings, and the judge may issue the order where, in the opinion of the judge, it is necessary for the health, safety or welfare of the residents in the nursing home. *New.* ^{Restraining order}

12.—(1) Where the licensee's licence is revoked, and the revocation becomes final or where the nursing home is otherwise being operated without a licence, the residents or their legal representatives where the residents are unable so to do, shall arrange to vacate the premises as soon as it is practicable and the Director shall assist in finding alternative accommodation. ^{Removal of residents}

(2) For the purposes of arranging alternative accommodation under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act*, immediately occupy and operate the nursing home or arrange for the nursing home to be occupied and operated by a person or organization designated by him, for a period not exceeding six months, but all the rights of the licensee under that Act, except the right to possession, are preserved. ^{Interim management R.S.O. 1970, c. 154}

(3) Where the licensee's licence is revoked, the licensee and the administrator shall hand over to the Minister, or a person designated by him, all the records that are in their possession or control and that pertain to the residents of the nursing home. *New.* ^{Records}

13.—(1) Every nursing home shall have an extended care unit consisting of such facilities, services and bed capacity for extended care as are prescribed by the regulations. ^{Extended care units}

(2) Where, in the opinion of the Director, special circumstances warrant reduction in the facilities, services or bed capacity required in an extended care unit under subsection 1, the Director may, by order, authorize the reduction of the said facilities, services or bed capacity to such amount, for such times and under such conditions as are specified in the order. *New.* ^{Relief in special cases}

14. Where a licensee provides services that are insured services under *The Health Insurance Act, 1972*, payment therefor under the said Act, together with such co-payment, if any, as is prescribed by the regulations, shall be deemed payment in full for the services. *New.* ^{Payment for insured services 1972, c. ...}

Appointment of inspectors **15.**—(1) The Minister may appoint such inspectors as are necessary for the purposes of this Act and the regulations and such appointments shall be in writing. R.S.O. 1970, c. 302, s. 12 (1), *amended*.

Certificate of appointment (2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. *New*.

Inspection **16.**—(1) An inspector may at any time enter upon the business premises of a nursing home to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem (2) Where an inspector has reasonable and probable grounds to believe that any premises are being used as a nursing home without being licensed under this Act, the inspector may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on inspection (3) Upon an inspection under this section, the inspector,

- (a) is entitled to free access to all books of account, documents, bank accounts, vouchers, correspondence and records, including medical and drug records, that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

Admissibility of copies (4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. R.S.O. 1970, c. 302, s. 12, *amended*.

Disclosure to Minister (5) Any record required to be kept under this Act or the regulations shall be made available to the Minister on request. *New*.

17. No person shall use the terms “nursing home” or ^{Use of appellations} “extended care home” or words of like import in connection with any premises unless he is licensed under this Act. *New.*

18. Any person who contravenes any provision of this Act ^{Penalty} or the regulations, except subsection 1 of section 12, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. R.S.O. 1970, c. 302, s. 13, *amended.*

19. The Lieutenant Governor in Council may make such ^{Regulations} regulations in respect of nursing homes as are considered necessary to carry out the purposes of this Act, and in particular,

- (a) defining the terms “intermediate nursing care”, “nursing care” and “extended care” for purposes of this Act and the regulations;
- (b) governing the services, care, facilities and amenities that nursing homes shall provide and governing and prescribing the staff requirements and duties of staff in respect of the care and services that shall be provided residents;
- (c) respecting the assessment and classification of residents for the purpose of determining the level of care required by residents;
- (d) respecting extended care units and the facilities and services to be provided therein and respecting the facilities and services that are to be provided for intermediate nursing care;
- (e) prescribing the percentage of the licensed bed capacity of the nursing home that is to be set aside for extended care standard ward and private and semi-private accommodation and prescribing the percentage of the licensed bed capacity of the nursing home that is to be set aside for intermediate nursing care standard ward and private and semi-private accommodation;
- (f) governing the construction, establishment, location, safety, equipment, maintenance and repair of and additions or alterations to nursing homes and respecting the information, plans and other material that are to be furnished to the Director;
- (g) respecting the management and operation of nursing homes;

- (h) respecting the officers, staff and employees of nursing homes and prescribing their duties, responsibilities and qualifications for employment ;
- (i) requiring the bonding of the chief administrators of nursing homes in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds ;
- (j) requiring in-service training programs to be provided staff and employees ;
- (k) prescribing the books, records and accounts that shall be kept by nursing homes ;
- (l) requiring the accounts of nursing homes to be audited and requiring nursing homes to furnish such information or accounts as may be required by the Minister ;
- (m) governing the reports and returns that shall be made to the Minister by licensees ;
- (n) providing for the issuing of licences and prescribing the terms and conditions of licences and the fees payable therefor ;
- (o) respecting and governing the admission, treatment, care, conduct, discipline and discharge of residents of nursing homes ;
- (p) prescribing other duties of inspectors ;
- (q) governing access to medical or drug records by specified persons for specified purposes ;
- (r) prescribing the amounts that may be charged residents as co-payment with amounts payable under *The Health Insurance Act, 1972* ;
- (s) prescribing the maximum amounts that may be charged residents in respect of private and semi-private accommodation ;
- (t) regulating or prohibiting charges by nursing homes in respect of any amenity or facility required to be provided ;
- (u) instituting a system for budgeting the annual expenditure of nursing homes and the payment by

1972, c. . . .

the Province of all or any part of such budget in lieu of amounts payable under *The Health Insurance Act, 1972*;

- (v) exempting designated nursing homes from specified provisions of this Act or the regulations;
- (w) prescribing forms for the purposes of this Act and providing for their use. R.S.O. 1970, c. 302, s. 14 (1), *amended*.

20.—(1) *The Nursing Homes Act*, being chapter 302 of the R.S.O. 1970, Revised Statutes of Ontario, 1970, is repealed. c. 302, repealed

(2) *The Nursing Homes Amendment Act, 1971*, being chapter 34, is repealed. 1971 Act, repealed

21. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commencement

22. This Act may be cited as *The Nursing Homes Act, 1972*. Short title

BILL 24

The Nursing Homes Act, 1972

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Simcoe Day

MR. G. E. SMITH (Simcoe E.)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to change the name of the public holiday celebrated in many municipalities on the first Monday in August from "Civic Holiday" to Simcoe Day in honour of John Graves Simcoe who was appointed first Lieutenant Governor of Upper Canada on September 12th, 1791, and who convened the first Legislative Assembly and established the capital of the Province at York, now Toronto.

BILL 25

1972

An Act respecting Simcoe Day

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where the first Monday in August in any year is pro-Simcoe
claimed a public holiday in a municipality, the name of the ^{Day}
holiday shall be Simcoe Day.

2. Any Act, regulation, proclamation, contract or docu-Other
ment that refers to a public holiday under the name of "Civic ^{references}
Holiday" shall be deemed to refer to Simcoe Day.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.

4. This Act may be cited as *The Simcoe Day Act, 1972*. ^{Short title}

An Act respecting Simcoe Day

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. G. E. SMITH (Simcoe E.)

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to regulate Personal Reporting Agencies

MR. DEACON

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to provide for the registration of personal reporting agencies and to provide a means whereby the persons who are the subjects of investigations may examine and, if necessary, have corrected the reports resulting from such investigations.

BILL 26

1972

An Act to regulate Personal Reporting Agencies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

1. In this Act,

Interpre-
tation

- (a) "factual information" means information with respect to a subject as to name, age, place of residence, previous places of residence, marital status, spouse's name and age, number of dependants, particulars of education or professional qualifications, places of employment, previous places of employment, estimated income, paying habits, outstanding credit obligations, cost of living obligations, matters of public record and any information voluntarily supplied by the subject of a personal investigation;
- (b) "investigative information" means any information in respect of the subject of a personal investigation that does not come within the definition of factual or medical information;
- (c) "medical information" means any information obtained with the consent of a subject from a legally qualified medical practitioner, chiropractor or registered psychologist or from a hospital, clinic or other medically related facility in respect of the physical or mental health and attitude of the subject;
- (d) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

- (e) "personal file" means any collection or repository of information obtained from others in the course of making a personal investigation whether the information is stored in written, photographic, electronic or other form;
- (f) "personal investigation" means any inquiry by any person to obtain factual or investigative information from any source other than the subject with a view to entering into or amending an agreement with the subject for credit, insurance, employment or tenancy, whether the information is transmitted immediately in a personal report or compiled in a personal file;
- (g) "personal report" means a report, written or oral, of information obtained from others in the course of making a personal investigation;
- (h) "personal reporter" means a person who conducts a personal investigation, but where the personal investigation is conducted by an employee of a user, or an employee of a personal reporting agency, in the course of his duties, the employer shall be deemed to be the personal reporter;
- (i) "personal reporting agency" means any person whose main business it is to regularly conduct personal investigations for the purpose of supplying personal reports or the contents of personal files to others for gain;
- (j) "Registrar" means the Registrar of Personal Reporting Agencies;
- (k) "regulations" means the regulations made under this Act;
- (l) "subject" means the person concerning whom a personal investigation is carried out or is being carried out;
- (m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*;
- (n) "user" means a person who, for his own use, conducts a personal investigation or causes another to conduct a personal investigation and includes the successors and assigns of a user.

PART II

2. There shall be a Registrar of Personal Reporting Agencies^{Registrar} who shall be appointed by the Lieutenant Governor in Council.

3. No person shall conduct or act as a personal reporting^{Registration of personal reporting agencies} agency unless he is registered by the Registrar under this Act.

4.—(1) An applicant is entitled to registration or renewal^{Registration} of registration by the Registrar except where,

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business^{in accordance with law and with integrity and honesty}; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions to^{Conditions of} give effect to the purposes of this Act as are consented to by the registration applicant, imposed by the Tribunal or prescribed by the regulations.

5.—(1) Subject to section 6, the Registrar may refuse to register^{Refusal to register} an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4.

(2) Subject to section 6, the Registrar may refuse to renew^{Refusal to renew, suspension and revocation} or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Notice of
proposal to
refuse or
revoke

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Voluntary
cancellation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Notice of
right to
hearing

(3) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to require a hearing by the Tribunal if he mails or delivers notice in writing to the Registrar and the Tribunal within fifteen days after the notice under subsection 1 is served on him.

Powers of
Registrar
where no
hearing

(4) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Stay of
refusal to
renew

(5) Where the registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Powers of
Tribunal
where
hearing

(6) Where an applicant or registrant requires a hearing by the Tribunal, the Tribunal shall appoint a time for and hold the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Parties

7. The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Release of
exhibits

8. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined.

Decision of
Tribunal

9.—(1) On the application of the Registrar at the hearing, the Tribunal may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(2) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

10. A certified copy of the final decision of the Tribunal, ^{Enforcement of decisions} exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

11.—(1) Any party to the hearing before the Tribunal may ^{Appeal to Supreme Court} appeal from the decision of the Tribunal to the Supreme Court and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

(2) The Minister may designate counsel to assist the court ^{Counsel} upon the hearing of an appeal under this section.

(3) An appeal under this section may be made on questions ^{Decision of court} of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

12. An order of the Tribunal refusing to renew or suspending ^{Stay} or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final.

13. A further application for registration may be made ^{Further applications} upon new or other evidence or where it is clear that material circumstances have changed.

PART III

14. This Part does not apply to, ^{Exemptions}

- (a) provincial or municipal governments or their agencies, except in respect of applications for employment, credit, insurance or tenancy;
- (b) a police officer acting in his official capacity;
- (c) a report with respect to a corporation or partnership that does not contain information as to any individual except factual information regarding the officers or employees of the corporation or partnership; or
- (d) an investigation conducted by a user, without the knowledge of the subject, with a view to inviting the

subject to participate in the ownership of a private company or in a professional or business partnership for gain.

Written
consent
required

15.—(1) No person shall conduct, or cause to be conducted, a personal investigation without the written consent of the subject of the investigation.

Notice
to user

(2) Where a personal investigation is conducted, the subject shall be given written notice by the user that a personal investigation was conducted within ten days of the granting or denial of a benefit for which the subject has applied.

Consent may
form part of
application

(3) The consent referred to in subsection 1 may be contained in an application for credit, insurance, employment or tenancy if it is clearly set forth in type not less than ten point in size above the signature of the subject and the consent shall be deemed to be a continuing consent during the term of any agreement for credit, insurance, employment or tenancy, but if the user refuses any application for increase of any benefits under any such agreement, the user shall give notice of any partial or complete denial of such application as required under sections 18 and 19.

Exclusion
of certain
information

16. No personal report shall contain,

- (a) any reference to race, religion, ethnic origin, or political affiliation of the subject unless this information is voluntarily supplied by the subject;
- (b) information regarding any bankruptcy of the subject that occurred fourteen years or more before the making of the report;
- (c) information regarding any writs, judgments, collections or debts that are more than seven years old;
- (d) information regarding writs issued against the subject more than twelve months prior to the making of the report if the present status of the action is not ascertained; or
- (e) information as to any judgment against the subject unless the amount of the judgment and the name and address of the judgment creditor as given at the date of entry of the judgment are stated.

Contents of
personal
report not
to be
divulged

17. No personal reporter, user or personal reporting agency, or any of their employees, shall knowingly divulge the contents of any personal report or personal file without the written consent of the subject of the report to any person other than,

- (a) a user or his agent, who requires the information for purposes of a decision in respect of a subject's application for credit, insurance, employment or tenancy or other business purpose;
- (b) the assignee of an agreement for credit, insurance or tenancy;
- (c) a federal, provincial or municipal government or agency thereof; or
- (d) the subject of the report on the request of the subject.

18.—(1) A subject has the right upon application made within ninety days after providing a consent under section 15 to be informed by the user, Information to be furnished to subject

- (a) of the name and address of any personal reporting agency from which information was obtained;
- (b) as to the source and detail of all factual information obtained elsewhere than from a personal reporting agency;
- (c) as to the nature of all investigative information obtained elsewhere than from a personal reporting agency; and
- (d) as to his right to protest any information contained in the personal report or the personal file and the manner in which a protest may be made.

(2) Where a subject is notified as to the name and address of a personal reporting agency in accordance with clause a of subsection 1, the personal reporting agency shall disclose to the subject, within two business days after a demand by the subject, Source of information to be supplied

- (a) the source and detail of all factual information contained in the personal report made by the personal reporting agency to the user;
- (b) the nature of any investigative information contained in the personal report made by the personal reporting agency to the user; and
- (c) the right of the subject to protest any information contained in the personal report and the manner in which a protest may be made.

Disclosure
of personal
file
information

19. A personal reporting agency shall disclose to a subject the information required under subsection 2 of section 18 upon payment by the subject of such fee as may be prescribed by the regulations.

Right to
protest
information

20. A person who receives information under subsection 2 of section 18 may protest the information in accordance with section 22 and the personal reporting agency is subject to the obligations set out in section 23.

Manner of
obtaining
information

21. Where a person has the right to obtain information under section 18 he may obtain the information by,

- (a) personally attending at the office of the user or the personal investigation agency and properly identifying himself accompanied by a witness if he so wishes; or
- (b) by a request in writing to the user or personal reporting agency if his identity is verified by an affidavit that forms part of or is attached to the request.

Statement
of protest

22. Where the subject of a report protests any information contained in a personal report file, he may file a statement of protest with the user or the personal reporter or both.

Verification
of
information

23.—(1) Where the subject of a report files a protest with a user or a personal reporter, or any person files a protest with a personal reporting agency, the user, personal reporter or personal investigation agency, as the case may be, shall immediately,

- (a) attempt to verify the protested information and where the information, whether factual or investigative, cannot be verified, expunge the information from the personal file; or
- (b) where the veracity of the information is sustained, record the protest in the personal file;

and report the action taken,

- (c) to the subject of the personal report or personal file;
- (d) to any person to whom the personal report may have been furnished within the previous sixty days; and
- (e) to the Registrar.

(2) Where a personal report is made by a personal reporting agency to a user in Ontario and the office of the personal reporting agency is not located in the Province of Ontario, the user shall comply with the requirements of subsection 1. Personal reporting agency outside Ontario

(3) Where a personal reporting agency makes a report to a user whose office is located outside Ontario, the personal reporting agency shall comply with the requirements of subsection 1. User outside Ontario

24. Where the subject of a personal report is dissatisfied by the action taken under section 23, he may apply to the Registrar who shall investigate the matter and, Appeal to Registrar

(a) confirm the action taken by the user, personal reporter or personal reporting agency, as the case may be; or

(b) direct that such other action as he considers necessary and reasonable under the circumstances be taken by the user, personal reporter or personal reporting agency.

25. A subject who is not satisfied with the decision of the Registrar may require a hearing by the Tribunal and the provisions of Part II apply *mutatis mutandis* thereto. Appeal to Tribunal

26. A user or personal reporter who refuses to comply with any of the requirements of this Part is guilty of an offence under this Act. Offence

27.—(1) No person shall knowingly supply false or misleading information to another who is engaged in making a personal investigation or personal report. False information

(2) Any person who contravenes the provisions of subsection 1 is guilty of an offence under this Act. Offence

28. No user, personal reporter or personal reporting agency is civilly liable to the subject of a personal report or personal file unless the user, reporter or agency, as the case may be, is or reasonably ought to be aware that part or all of the information in the report or personal file is false, or misleading, or was obtained negligently. Exemption from civil liability

29.—(1) The duties of the Registrar include the receiving, recording and investigation of complaints by any person of breaches of this Act, and the taking of such action thereon as may appear appropriate, including the prosecution of offenders. Duties of Registrar

Access to
documents

(2) For the purpose of investigating a specific complaint under this Act, the Registrar or any person authorized by him for the purpose, shall, pursuant to an order obtained under subsections 5 and 6, have access to the business premises of any person carrying on business to which this Act applies, during normal business hours and to specific documents, correspondence and records relevant to the complaint and may make copies thereof or take extracts therefrom.

Information
confidential

(3) Except for the purposes of a prosecution under this Act, or in any court proceedings, or for the purpose of the administration and enforcement of this Act, neither the Registrar nor any authorized person shall,

- (a) knowingly communicate, or allow to be communicated, to any person any information obtained by or on behalf of the Registrar under this section; or
- (b) knowingly allow any person to inspect, or to have access to, any copy of any book, record, document, file, correspondence, or other record obtained by, or on behalf of, the Registrar under this section.

Exception

(4) Subsection 3 does not prohibit,

- (a) the communication of information by the Registrar to persons charged with the administration of any statutes of Canada or of any other province that relate to the subject-matter of this Act;
- (b) the communication by the Registrar of any information with the consent of the person to whom that information relates; or
- (c) the release or publication by the Registrar, with the consent of the owner, of any book, record, document, file, correspondence or other record, or a copy thereof.

Court order
for access to
documents

(5) In carrying out the powers conferred and the duties imposed on the Registrar under this Act, the Registrar or any person authorized by him for the purpose may apply to a judge of the county court of the county or district in which the business premises are located for an order granting access to the business premises, documents, files, correspondence, records and accounts of a person carrying on business to which this Act relates and authorizing him to make copies thereof or to take extracts therefrom.

Order of
county court
judge

(6) A judge of the county court may, on an *ex parte* application, issue the order applied for if he is satisfied that the access is reasonable and necessary.

30. Where the Registrar directs or the Tribunal orders that a personal report or personal file be amended, the Registrar or the Tribunal, as the case may be, shall cause notice of the amendment to be set out in a publication of the Tribunal available to the public in such manner that the nature of the amendment is set out without the subject being readily identifiable by members of the public. ^{Publication of directions and orders}

31. No agreement, oral or written, shall provide or contain any provision, express or implied whereby the parties to the agreement agree that this Act or any provision thereof shall not apply to the agreement or to the parties, and any agreement so made is void and the making of such an agreement is an offence. ^{Void agreements}

PART IV

32.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable, subject to subsection 2, in the case of an individual to a fine of not less than \$50 or not more than \$200 and in the case of a corporation to a fine of not less than \$500 or not more than \$1,000. ^{Offence}

(2) Every person who, within one year of the date of a previous conviction for an offence under this Act, is convicted of a subsequent offence under this Act is liable to a fine in the case of an individual of not less than \$200 or not more than \$500 and in the case of a corporation of not less than \$1,000 or not more than \$2,500. ^{Idem}

33. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations as are ancillary thereto and are not inconsistent therewith and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) prescribing forms of notices and other forms for use under this Act;
- (b) prescribing the time within which and the procedure for an appeal under section 24;
- (c) prescribing fees;
- (d) exempting bulletin, journal or other publication or class thereof from the provisions of this Act;

(e) respecting such other matters as he deems necessary for the carrying out of the intent and purposes of this Act.

Commence-
ment

34. This Act comes into force on the day it receives Royal Assent.

Short title

35. This Act may be cited as *The Personal Reporting Agencies Act, 1972*.

An Act to regulate
Personal Reporting Agencies

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

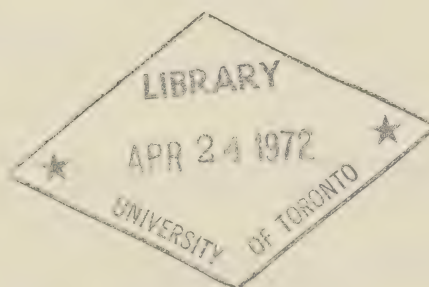
MR. DEACON

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the
Reorganization of the Government of Ontario**

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to provide for the Reorganization of the Government of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

GENERAL

1. The word "Department" where it occurs in the name of a present department of the Government in any Act or regulation is struck out and "Ministry" is substituted therefor. "Department"
changed to
"Ministry"

2. The words "department" and "departments" where they occur in any Act or regulation and refer to a present department or present departments of the Government are struck out and "ministry" and "ministries" are substituted therefor, as the case may be. "department"
changed to
"ministry"

PART II

PREMIER

3.—(1) Section 2 of *The Executive Council Act*, being chapter 153 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: *Executive
Council
Act, s. 2,
re-enacted*

2.—(1) The Lieutenant Governor may appoint under the Great Seal from among the ministers of the Crown the following ministers to hold office during pleasure: Portfolios

President of the Council
Attorney General
Chairman of the Management Board of Cabinet
Minister of Agriculture and Food
Minister of Colleges and Universities
Minister of Community and Social Services

Minister of Consumer and Commercial Relations
 Minister of Correctional Services
 Minister of Education
 Minister of the Environment
 Minister of Government Services
 Minister of Health
 Minister of Industry and Tourism
 Minister of Labour
 Minister of Natural Resources
 Minister of Revenue
 Minister of Transportation and Communications
 Provincial Secretary for Justice
 Provincial Secretary for Resources Development
 Provincial Secretary for Social Development
 Solicitor General
 Treasurer of Ontario and Minister of Economics and
 Intergovernmental Affairs

and such other ministers as he sees fit, and may by order in council prescribe their duties and the duties of any ministries over which they preside, and of the officers and clerks under their jurisdiction.

Parlia-
mentary
Assistants

- (2) The Lieutenant Governor in Council may appoint such Parliamentary Assistants to assist such ministers of the Crown as he considers advisable and may prescribe their duties.

s. 3 (1),
amended

(2) Subsection 1 of section 3 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Sess.), chapter 14, section 1, is further amended by striking out "having charge of a department including every provincial secretary for policy development" in the first and second lines and in the amendment of 1971 (2nd Sess.) and inserting in lieu thereof "with portfolio".

s. 3,
amended

(3) The said section 3 is amended by adding thereto the following subsection:

Salary of
Parlia-
mentary
Assistant

(3a) The annual salary of every Parliamentary Assistant is \$5,000.

*Legislative
Assembly
Act,
s. 8 (2) (a),
amended*

4.—(1) Clause *a* of subsection 2 of section 8 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "or a Parliamentary Assistant".

s. 13,
amended

(2) Section 13 of the said Act is amended by inserting after "Council" in the second line "or a Parliamentary Assistant".

(3) Subsection 1 of section 61 of the said Act is amended <sup>s. 61 (1),
amended</sup> by striking out "in charge of a department" in the third line and inserting in lieu thereof "with portfolio".

PART III

MINISTRY OF AGRICULTURE AND FOOD

5.—(1) The title to *The Department of Agriculture and Food Act*, being chapter 109 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>Department
of Agriculture
and
Food Act,
title,
re-enacted</sup>

The Ministry of Agriculture and Food Act

(2) Subsection 1 of section 2 of the said Act is repealed <sup>s. 2 (1),
re-enacted</sup> and the following substituted therefor:

- (1) The department of the public service known as the Department of Agriculture and Food is continued <sup>Department
continued</sup> under the name of the Ministry of Agriculture and Food.

6. Subsection 10 of section 2 of *The Co-operative Loans Act*, being chapter 86 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>Co-operative
Loans Act,
s. 2 (10),
re-enacted</sup>

- (10) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. ^{Idem}

7.—(1) Clause *f* of section 1 of *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, is repealed. <sup>Drainage
Act, s. 1 (f),
repealed</sup>

(2) Clause *m* of the said section 1 is repealed and the following substituted therefor: <sup>s. 1 (m),
re-enacted</sup>

(*m*) "Minister" means the Minister of Agriculture and Food;

(*ma*) "Ministry" means the Ministry of Agriculture and Food.

8. Subsection 2 of section 9 of *The Ontario Food Terminal Act*, being chapter 313 of the Revised Statutes of Ontario, 1970, is amended by striking out "Provincial Secretary" in the first and second lines and inserting in lieu thereof "Minister". <sup>Ontario
Food
Terminal
Act, s. 9 (2),
amended</sup>

PART IV

MINISTRY OF THE ATTORNEY GENERAL

Department of Justice Act, title, re-enacted **9.**—(1) The title to *The Department of Justice Act*, being chapter 116 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of the Attorney General Act

s. 1,
re-enacted (2) Section 1 of the said Act is repealed and the following substituted therefor:

Interpre-
tation 1. In this Act, "Ministry" means the Ministry of the Attorney General.

s. 2 (1),
re-enacted (3) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

Department
continued (1) The department of the public service known as the Department of Justice is continued under the name of the Ministry of the Attorney General.

s. 3 (1),
amended (4) Subsection 1 of section 3 of the said Act is amended by striking out "Deputy Minister of Justice and" in the second line.

s. 5 (i),
re-enacted (5) Clause *i* of section 5 of the said Act is repealed and the following substituted therefor:

(i) shall superintend all matters connected with judicial offices.

Act,
amended (6) The said Act is amended by striking out "Minister" wherever it occurs and substituting therefor "Attorney General".

Amendment
of refer-
ences to
Department
of Justice,
etc. (7) A reference in any Act or regulation to the Minister of Justice and Attorney General, the Deputy Minister of Justice and Deputy Attorney General, the Department of Justice or *The Department of Justice Act* shall be deemed to be a reference to the Attorney General, the Deputy Attorney General, the Ministry of the Attorney General or *The Ministry of the Attorney General Act*, respectively.

Expropriations Act, s. 5 (2) (c), amended **10.** Clause *c* of subsection 2 of section 5 of *The Expropriations Act*, being chapter 154 of the Revised Statutes of Ontario, 1970, is amended by striking out "the Provincial Secretary and Minister of Citizenship" in the first and second lines and inserting in lieu thereof "Attorney General".

11.—(1) Clause *b* of section 8 of *The Ontario Municipal Board Act*, being chapter 323 of the Revised Statutes of Ontario, 1970, is amended by striking out “Minister of Municipal Affairs” in the second line and inserting in lieu thereof “Attorney General”. Ontario Municipal Board Act, s. 8 (b), amended

(2) Section 100 of the said Act is repealed and the following substituted therefor: s. 100, re-enacted

100. The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Attorney General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

PART V

MINISTRY OF COLLEGES AND UNIVERSITIES

12.—(1) The title to *The Department of Colleges and Universities Act, 1971*, being chapter 66, is repealed and the following substituted therefor: Department of Colleges and Universities Act, title, re-enacted

The Ministry of Colleges and Universities Act, 1971

(2) Section 1 of the said Act is repealed and the following substituted therefor: s. 1, re-enacted

1. In this Act,

Interpretation

- (a) “Minister” means the Minister of Colleges and Universities;
- (b) “Ministry” means the Ministry of Colleges and Universities.

(3) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (1), re-enacted

- (1) The department of the public service heretofore known as the Department of Colleges and Universities is continued under the name of the Ministry of Colleges and Universities. Department continued

(4) Section 4 of the said Act is repealed and the following substituted therefor: s. 4, re-enacted

4. Any reference to the Minister or Deputy Minister of University Affairs in any Act or regulation shall be deemed to be a reference to the Minister or Deputy Minister of Colleges and Universities, and any reference to the Department of University Affairs or Department of Colleges and Universities in any Act or regulation shall be deemed to be a reference to the Ministry of Colleges and Universities. References to Minister, etc.

Act,
amended

(5) The said Act is amended by adding thereto the following section:

Grants to
historical
institutions

6a. The Lieutenant Governor in Council may make regulations providing for the apportionment and distribution of moneys appropriated by the Legislature for the maintenance, development and promotion of historical institutions, and providing for the conditions governing the payment thereof.

s. 10,
amended

(6) Section 10 of the said Act is amended by striking out "*Department*" in the first line and inserting in lieu thereof "*Ministry*".

Apprentice-
ship and
Tradesmen's
Qualification
Act,
s. 1 (d),
re-enacted

13.—(1) Clause *d* of section 1 of *The Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(d) "*Minister*" means the Minister of Colleges and Universities.

s. 3 (2),
amended

(2) Subsection 2 of section 3 of the said Act is amended by striking out "*Department of Labour*" in the fourth line and inserting in lieu thereof "*Ministry of Colleges and Universities*".

Archives
Act,
ss. 1, 2,
re-enacted

14.—(1) Sections 1 and 2 of *The Archives Act*, being chapter 28 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

Interpre-
tation

1. In this Act,

(a) "*Archives*" means the Archives of Ontario;

(b) "*Archivist*" means the officer appointed to administer this Act.

Archivist

2. There shall be an Archivist who shall be appointed by the Lieutenant Governor in Council with the rank of a deputy head of a Ministry and who shall be in charge of the administration of this Act under the direction of the member of the Executive Council to whom the administration of this Act is assigned.

Act,
amended

(2) The said Act is amended by striking out "*Department*" wherever it occurs and substituting therefor "*Archives*".

Arts Council
Act,
s. 1 (c),
re-enacted

15. Clause *c* of section 1 of *The Arts Council Act*, being chapter 31 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (c) "Minister" means the Minister of Colleges and Universities.

16.—(1) Clause *c* of section 1 of *The Ontario Educational Communications Authority Act*, being chapter 311 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

*Ontario
Educational
Communi-
cations
Authority
Act,
s. 1 (c),
re-enacted*

- (c) "Minister" means the Minister of Colleges and Universities.

(2) Subsection 2 of section 13 of the said Act is amended by striking out "and Minister of Economics" in the second line.

*s. 13 (2),
amended*

(3) Subsection 1 of section 14 of the said Act is amended by striking out "and Minister of Economics" in the second line.

*s. 14 (1),
amended*

17.—(1) Clauses *b* and *c* of section 1 of *The Public Libraries Act*, being chapter 381 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

*Public
Libraries
Act,
s. 1 (b, c),
re-enacted*

- (b) "Minister" means the Minister of Colleges and Universities;

- (c) "Ministry" means the Ministry of Colleges and Universities.

(2) Clause *e* of the said section 1 is amended by striking out "*Department*" in the second line and inserting in lieu thereof "*Ministry*".

*s. 1 (e),
amended*

18.—(1) Clause *a* of section 1 of *The Trade Schools Regulation Act*, being chapter 466 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

*Trade
Schools
Regulation
Act,
s. 1 (a),
re-enacted*

- (a) "Minister" means the Minister of Colleges and Universities.

(2) Clause *c* of the said section 1 is amended by striking out "Department of Education" in the sixth line and inserting in lieu thereof "Ministry of Colleges and Universities".

*s. 1 (c),
amended*

(3) Section 12 of the said Act is amended by striking out "of Labour" in the fourth line.

*s. 12,
amended*

PART VI

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

*Department
of Social
and Family
Services
Act,
title,
re-enacted*

19.—(1) The title to *The Department of Social and Family Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Community and Social Services Act

*ss. 1, 2,
re-enacted*

(2) Sections 1 and 2 of the said Act are repealed and the following substituted therefor:

*Interpre-
tation*

1. In this Act,

(a) "Minister" means the Minister of Community and Social Services;

(b) "Ministry" means the Ministry of Community and Social Services.

*Department
continued*

2.—(1) The department of the public service known as the Department of Social and Family Services is continued under the name of the Ministry of Community and Social Services.

*Minister
to have
charge*

(2) The Minister shall preside over and have charge of the Ministry.

*ss. 4, 5,
re-enacted*

(3) Sections 4 and 5 of the said Act are repealed and the following substituted therefor:

*Deputy
Minister
and staff
R.S.O. 1970,
c. 386*

4. Subject to *The Public Service Act*, there may be appointed a Deputy Minister of Community and Social Services and such other officers, clerks and servants as the Minister considers necessary for the proper conduct of the business of the Ministry.

*Amendment
of references
to Public
Welfare and
Social and
Family
Services*

5. A reference in any Act, regulation or document to the Minister or Deputy Minister of Public Welfare, the Minister or Deputy Minister of Social and Family Services, the Department of Public Welfare, the Department of Social and Family Services, or *The Department of Social and Family Services Act* shall be deemed to be a reference to the Minister or Deputy Minister of Community and Social Services, the Ministry of Community and Social Services or *The Ministry of Community and Social Services Act*, respectively.

(4) Clauses *a* and *b* of section 6 of the said Act are amended by striking out in each instance "social and family" in the third line and inserting in lieu thereof "community and social". s. 6 (a, b),
amended

(5) The said Act is amended by adding thereto the following sections: ss. 6a, 6b,
enacted

6a. The Minister shall, on his own initiative and through co-operation with the ministers having charge of the ministries of the public service of Ontario, with the ministers having charge of the departments of the public service of Canada, with municipal councils, with school boards and boards of education, with other organizations and otherwise, in the cause of human betterment, advance and encourage the concept and ideal of full and equal citizenship among the residents of Ontario in order that all may exercise effectively the rights, powers and privileges and fulfil the obligations, duties and liabilities of citizens of Canada within the Province of Ontario. Citizenship
functions of
Minister

6b. Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to adult education, recreation, camping and physical education, Regulations,
community
programs,
etc.

(a) providing for programs therefor;

(b) governing the granting of municipal recreation directors' interim and permanent certificates and arena managers' certificates;

(c) authorizing,

(i) the council of a municipality, county or district or regional municipality to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities having a combined population of under 25,000 to appoint a joint recreation committee with the approval of the Minister,

(ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,

(iii) joint recreation committees or recreation committees in municipalities having a population of not less than 25,000, to appoint area recreation committees and area recreation directors,

- (iv) two or more municipalities to enter into agreements,
- (v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and
- (vi) where territory without municipal organization is within the jurisdiction of two boards, such boards to appoint, with the approval of the Minister, a joint recreation committee for such territory without municipal organization as may be agreed upon by the two boards,

for the purpose of programs of recreation;

- (d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programs of recreation;
- (e) prescribing definitions of joint recreation program, joint recreation committee, municipal recreation program, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation program, recreation committee;
- (f) prescribing a definition of "approved maintenance and operating costs" for the purpose of legislative grants for programs of recreation, and requiring that "approved maintenance and operating costs" be subject to the approval of the Minister.
- (g) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for,
 - (i) programs of adult education, recreation, camping and physical education, and
 - (ii) leadership training camps;

- (h) prescribing the conditions governing the payment of grants for programs of adult education, recreation, camping or physical education, and providing for the approval of the Minister in any condition;
- (i) authorizing the Minister to determine the number of assistants and area community programs in respect of which grants may be paid for programs of recreation;
- (j) authorizing the payment, with the approval of the Minister, of special grants for programs of recreation, and fixing the amounts thereof.

6c.—(1) The Minister may establish, maintain and conduct camps for leadership training. Leadership training camps

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of the moneys appropriated therefor by the Legislature. Expenses

20. Clause *b* of section 1 of *The Community Centres Act*, *Community Centres Act*,
s. 1 (b),
re-enacted being chapter 73 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) "Minister" means the Minister of Community and Social Services.

21. Section 6 of *The District Welfare Administration Boards Act*, *District Welfare Administration Boards Act*, amended being chapter 132 of the Revised Statutes of Ontario, 1970, is amended by striking out "Department of Municipal Affairs" wherever it occurs and inserting in lieu thereof in each instance "Ministry of Revenue".

22.—(1) Clause *e* of section 1 of *The Homes for the Aged and Rest Homes Act*, *Homes for the Aged and Rest Homes Act*,
s. 1 (e),
amended being chapter 206 of the Revised Statutes of Ontario, 1970, is amended by striking out "Department of Municipal Affairs" in the third line and inserting in lieu thereof "Ministry of Revenue".

(2) Section 23 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 99, section 3, is further amended by striking out "Department of Municipal Affairs" wherever it occurs and inserting in lieu thereof in each instance "Ministry of Revenue". s. 23,
amended

PART VII

MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

*Department
of Financial
and
Commercial
Affairs Act,
title,
re-enacted*

23.—(1) The title to *The Department of Financial and Commercial Affairs Act*, being chapter 113 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Consumer and Commercial Relations Act

*s. 1 (a, c, d),
re-enacted*

(2) Clauses *a*, *c* and *d* of section 1 of the said Act are repealed and the following substituted therefor:

(a) “Deputy Minister” means the Deputy Minister of Consumer and Commercial Relations;

.

(c) “Minister” means the Minister of Consumer and Commercial Relations;

(d) “Ministry” means the Ministry of Consumer and Commercial Relations.

*s. 2,
re-enacted*

(3) Section 2 of the said Act is repealed and the following substituted therefor:

*Department
continued*

2. The department of the public service known as the Department of Financial and Commercial Affairs is continued under the name of the Ministry of Consumer and Commercial Relations.

*s. 11 (1),
amended*

(4) Subsection 1 of section 11 of the said Act is amended by striking out “Financial and Commercial Affairs Advisory Committee” in the second and third lines and inserting in lieu thereof “Consumer and Commercial Relations Advisory Committee”.

*Amendment
or references
to Financial
and
Commercial
Affairs*

(5) A reference in any Act or regulation to the Minister or Deputy Minister of Financial and Commercial Affairs, the Department of Financial and Commercial Affairs or *The Department of Financial and Commercial Affairs Act* shall be deemed to be a reference to the Minister or Deputy Minister of Consumer and Commercial Relations, the Ministry of Consumer and Commercial Relations or *The Ministry of Consumer and Commercial Relations Act*, respectively.

*Assignment
of Book
Debts Act,
s. 1,
amended*

24.—(1) Section 1 of *The Assignment of Book Debts Act*, being chapter 33 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(da) "branch office" means a branch office established under Part IV of *The Personal Property Security Act*; R.S.O. 1970, c. 344

(db) "branch registrar" means a branch registrar for a branch office under *The Personal Property Security Act*.

(2) Paragraph 3 of subsection 1 of section 4 of the said Act s. 4 (1), par. 3, amended is amended by striking out "office of the clerk of the county court" in the third line and inserting in lieu thereof "branch office".

(3) Section 7 of the said Act is amended by striking out s. 7, amended "clerk of the county or district court" in the third and fourth lines and inserting in lieu thereof "branch registrar".

(4) Clause *a* of section 21 of the said Act is amended by s. 21 (a), amended striking out "the clerks of the county and district courts" in the first and second lines and inserting in lieu thereof "branch registrars".

25. Clause *e* of section 1 of *The Bailiffs Act*, being chapter 38 Bailiffs Act, s. 1 (e), re-enacted of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(e) "Minister" means the Minister of Consumer and Commercial Relations.

26.—(1) Section 1 of *The Bills of Sale Act*, being chapter 44 Bills of Sale Act, s. 1, amended of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(ab) "branch registrar" means the branch registrar for a branch office established under Part IV of *The Personal Property Security Act*. R.S.O. 1970, c. 344

(2) The said Act is amended by striking out "clerk" and "clerk of the county or district court" wherever they occur and inserting in lieu thereof in each instance "branch registrar". Act, amended

(3) Subsection 1 of section 14 of the said Act is amended by s. 14 (1), amended striking out "and the seal of the court" in the fourth line.

27.—(1) Section 1 of *The Bills of Sale and Chattel Mortgages Act*, being chapter 45 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: Bills of Sale and Chattel Mortgages Act, s. 1, amended

(ab) "branch registrar" means the branch registrar of a branch office established under Part IV of *The Personal Property Security Act*. R.S.O. 1970, c. 344

Act,
amended (2) The said Act is amended by striking out "clerk" and "clerk of the county or district court" wherever they occur and inserting in lieu thereof in each instance "branch registrar".

s. 23,
amended (3) Section 23 of the said Act is amended by striking out "and under the seal of the court" in the eighth line.

s. 26,
amended (4) Section 26 of the said Act is amended by striking out "and the seal of the court" in the eighth and ninth lines.

s. 32,
amended (5) Section 32 of the said Act is amended by striking out "and under the seal of the court" in the third and fourth lines.

Boilers and Pressure Vessels Act, s. 1, par. 15, re-enacted **28.** Paragraph 15 of section 1 of *The Boilers and Pressure Vessels Act*, being chapter 47 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

15. "Minister" means the Minister of Consumer and Commercial Relations.

Boundaries Act, s. 2, re-enacted **29.** Section 2 of *The Boundaries Act*, being chapter 48 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Administration **2.** The Minister of Consumer and Commercial Relations is responsible for the administration of this Act.

Business Corporations Act, s. 1 (1), par. 18, re-enacted **30.** Paragraph 18 of subsection 1 of section 1 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

18. "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned.

Cemeteries Act, s. 1 (e), repealed **31.—(1)** Clause *e* of section 1 of *The Cemeteries Act*, being chapter 57 of the Revised Statutes of Ontario, 1970, is repealed.

s. 1 (i), re-enacted (2) Clause *i* of the said section 1 is repealed and the following substituted therefor:

(i) "Minister" means the Minister of Consumer and Commercial Relations;

(ia) "Ministry" means the Ministry of Consumer and Commercial Relations.

32. Section 2 of *The Certification of Titles Act*, being chapter 59 of the Revised Statutes of Ontario, 1970, is repealed ^{*Certification of Titles Act,*} and the following substituted therefor: ^{s. 2, re-enacted}

2. The Minister of Consumer and Commercial Relations ^{Administration of Act} is responsible for the administration of this Act.

33.—(1) Clause *c* of section 1 of *The Collection Agencies Act*, ^{*Collection Agencies Act,*} being chapter 71 of the Revised Statutes of Ontario, 1970, is repealed. ^{s. 1 (c), repealed}

(2) Clause *e* of the said section 1 is repealed and the following ^{s. 1 (e), re-enacted} substituted therefor:

- (*e*) “Minister” means the Minister of Consumer and Commercial Relations;
- (*ea*) “Ministry” means the Ministry of Consumer and Commercial Relations.

34.—(1) Section 1 of *The Conditional Sales Act*, being chapter 76 of the Revised Statutes of Ontario, 1970, is ^{*Conditional Sales Act,*} amended by relettering clause *a* as clause *aa* and by adding ^{s. 1, amended} thereto the following clause:

- (*a*) “branch registrar” means the branch registrar for a branch office established under Part IV of *The* ^{R.S.O. 1970, c. 344} *Personal Property Security Act*.

(2) The said Act is amended by striking out “clerk”, ^{Act, amended} “clerk of a county or district court”, “clerk of the county or district court” and “clerk of the court” wherever they occur and inserting in lieu thereof in each instance “branch registrar”.

35.—(1) Clauses *f* and *g* of section 1 of *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted ^{*Consumer Protection Act,*} therefor: ^{s. 1 (f), re-enacted s. 1 (g), repealed}

- (*f*) “Director” means the Director of the Consumer Protection Division of the Ministry of Consumer and Commercial Relations.

(2) Clause *l* of the said section 1 is repealed and the following ^{s. 1 (l), re-enacted} substituted therefor:

- (*l*) “Minister” means the Minister of Consumer and Commercial Relations;
- (*la*) “Ministry” means the Ministry of Consumer and Commercial Relations.

*Consumer
Protection
Bureau Act,*
s. 1(1),
amended

36. Subsection 1 of section 1 of *The Consumer Protection Bureau Act*, being chapter 83 of the Revised Statutes of Ontario, 1970, is amended by striking out "Department of Financial and Commercial Affairs" in the first and second lines and inserting in lieu thereof "Ministry of Consumer and Commercial Relations".

*Corporations
Information
Act, 1971,*
s. 1(f),
re-enacted

37. Clause *f* of section 1 of *The Corporations Information Act, 1971*, being chapter 27, is repealed and the following substituted therefor:

(f) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned.

*Credit
Unions Act,*
s. 1(g),
re-enacted

38. Clause *g* of section 1 of *The Credit Unions Act*, being chapter 96 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(g) "Minister" means the Minister of Consumer and Commercial Relations.

*Elevators
and Lifts
Act,*
s. 1(d),
repealed

39.—(1) Clause *d* of section 1 of *The Elevators and Lifts Act*, being chapter 143 of the Revised Statutes of Ontario, 1970, is repealed.

s. 1(g),
re-enacted

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor:

(g) "Minister" means the Minister of Consumer and Commercial Relations;

(ga) "Ministry" means the Ministry of Consumer and Commercial Relations.

Energy Act,
1971, s. 1(c),
re-enacted
s. 1(d),
repealed

40.—(1) Clauses *c* and *d* of section 1 of *The Energy Act, 1971*, being chapter 44, are repealed and the following substituted therefor:

(c) "Deputy Minister" means the Deputy Minister of Consumer and Commercial Relations.

s. 1(j),
re-enacted

(2) Clause *j* of the said section 1 is repealed and the following substituted therefor:

(j) "Minister" means the Minister of Consumer and Commercial Relations;

(ja) "Ministry" means the Ministry of Consumer and Commercial Relations.

41.—(1) Clause *j* of subsection 1 of section 1 of *The Gasoline Handling Act*, being chapter 189 of the Revised Statutes of Ontario, 1970, is repealed and the following ^{s. 1 (1), (j), re-enacted} substituted therefor:

(j) “Minister” means the Minister of Consumer and Commercial Relations.

(2) Subsection 2 of the said section 1, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, subsection 1, is amended by striking out “Department of Labour” in the first and second lines and inserting in lieu thereof “Ministry of Consumer and Commercial Relations”. ^{s. 1 (2), amended}

42.—(1) Paragraph 39 of section 1 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is ^{s. 1, par. 39, re-enacted} repealed and the following substituted therefor:

39. “Minister” means the Minister of Consumer and Commercial Relations.

(2) Subsection 5 of section 295 of the said Act is amended by striking out “Provincial Secretary” in the twelfth line and inserting in lieu thereof “Minister”. ^{s. 295 (5), amended}

(3) Subsection 4 of section 299 of the said Act is amended by striking out “Provincial Secretary” in the second line and inserting in lieu thereof “Minister”. ^{s. 299 (4), amended}

43.—(1) Section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is amended by ^{s. 1, amended} adding thereto the following clause:

(ca) “Minister” means the Minister of Consumer and Commercial Relations.

(2) The said Act is amended by striking out “Minister of Justice and Attorney General” wherever it occurs and inserting in lieu thereof in each instance “Minister”. ^{Act, amended}

(3) Clause *b* of subsection 2 of section 76 of the said Act is ^{s. 76 (2) (b), amended} amended by striking out “Department of” in the second line.

(4) Subsection 2 of section 79 of the said Act is amended by striking out “Department of” in the first line. ^{s. 79 (2), amended}

(5) Subsections 1, 2 and 3 of section 181 of the said Act are repealed and the following substituted therefor: <sup>s. 181 (1), re-enacted
s. 181, (2), (3), repealed</sup>

Deletion
from
register of
reservations,
etc., in
letters patent

(1) Upon receiving a certificate of the Minister of Natural Resources or the Deputy Minister of Natural Resources,

- (a) that a reservation of any class or kind of tree in letters patent to registered land is void;
- (b) that a reservation of mines or minerals in letters patent to registered land issued before the 6th day of May, 1913, is void;
- (c) that a condition, proviso or reservation in letters patent to registered land, other than a reservation of any class or kind of tree or of mines or minerals is void,

the proper master of titles shall delete the reservation, condition or proviso from the register without application therefor.

s. 182 (c),
amended

(6) Clause *c* of section 182 of the said Act is amended by striking out "Department of" in the second line.

*Marriage
Act,
s. 1 (c),
re-enacted*

44.—(1) Clause *c* of section 1 of *The Marriage Act*, being chapter 261 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(c) "Deputy Minister" means the Deputy Minister of Consumer and Commercial Relations.

s. 1,
amended

(2) The said section 1 is amended by adding thereto the following clause:

(ga) "Minister" means the Minister of Consumer and Commercial Relations.

s. 1 (i),
repealed

(3) Clause *i* of the said section 1 is repealed.

ss. 2, 3,
re-enacted

(4) Sections 2 and 3 of the said Act are repealed and the following substituted therefor:

Administra-
tion

2. The administration of this Act is under the direction of the Minister.

Delegation
by Minister

3. With the consent of the Minister, the Deputy Minister may have, use and exercise any power, right or authority conferred by this Act on the Minister.

Act,
amended

(5) The said Act is amended by striking out "Provincial Secretary" and "Deputy Provincial Secretary" wherever they occur and inserting in lieu thereof in each instance "Minister" or "Deputy Minister", respectively.

45.—(1) Clause *aa* of section 1 of *The Mortgage Brokers Act*, being chapter 278 of the Revised Statutes of Ontario, 1970, as relettered by the Statutes of Ontario, 1971, chapter 50, section 59, subsection 1, is repealed. *Mortgage Brokers Act*, s. 1 (aa), repealed

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: s. 1 (c), re-enacted

(c) “Minister” means the Minister of Consumer and Commercial Relations.

(3) Subsection 1 of section 29 of the said Act is amended by striking out “Department” in the fifth and sixth lines and inserting in lieu thereof “Ministry of Consumer and Commercial Relations”. s. 29 (1), amended

46.—(1) Clause *a* of section 1 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, is repealed. *Motor Vehicle Accident Claims Act*, s. 1 (a), repealed

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: s. 1 (f), re-enacted

(f) “Minister” means the Minister of Consumer and Commercial Relations;

(fa) “Ministry” means the Ministry of Consumer and Commercial Relations.

47.—(1) Clause *aa* of section 1 of *The Motor Vehicle Dealers Act*, being chapter 475 of the Revised Statutes of Ontario, 1970, as relettered by the Statutes of Ontario, 1971, chapter 50, section 85, subsection 1, is repealed. *Motor Vehicle Dealers Act*, s. 1 (aa), repealed

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: s. 1 (c), re-enacted

(c) “Minister” means the Minister of Consumer and Commercial Relations.

(3) Subsection 1 of section 31 of the said Act is amended by striking out “Department” in the fifth and sixth lines and inserting in lieu thereof “Ministry of Consumer and Commercial Relations”. s. 31 (1), amended

48.—(1) Clause *h* of section 1 of *The Ontario Deposit Insurance Corporation Act*, being chapter 307 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: *Ontario Deposit Insurance Corporation Act*, s. 1 (h), re-enacted

(h) “Minister” means the Minister of Consumer and Commercial Relations.

s. 4 (1),
re-enacted

(2) Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:

Board of
directors

(1) The Board shall consist of the person appointed as the Chairman and the persons who for the time being hold, respectively, the offices of the Deputy Treasurer and Deputy Minister of Economics and Intergovernmental Affairs, the Comptroller of Finance, the Deputy Minister of Consumer and Commercial Relations, and the Registrar, and such other persons as may be appointed by the Lieutenant Governor in Council.

*Operating
Engineers
Act,*
s. 1, par. 12,
re-enacted

49. Paragraph 12 of section 1 of *The Operating Engineers Act*, being chapter 333 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

12. "Minister" means the Minister of Consumer and Commercial Relations.

*Paperback
and
Periodical
Distributors
Act, 1971,*
s. 1 (1) (f),
re-enacted

50. Clause *f* of subsection 1 of section 1 of *The Paperback and Periodical Distributors Act, 1971*, being chapter 82, is repealed and the following substituted therefor:

(f) "Minister" means the Minister of Consumer and Commercial Relations.

*Partnerships
Registration
Act,*
s. 17 (2),
amended

51. Subsection 2 of section 17 of *The Partnerships Registration Act*, being chapter 340 of the Revised Statutes of Ontario, 1970, is amended by striking out "and shall act under the direction of the Inspector of Legal Offices" in the third and fourth lines.

*Personal
Property
Security
Act,*
s. 42 (2),
amended

52. Subsection 2 of section 42 of *The Personal Property Security Act*, being chapter 344 of the Revised Statutes of Ontario, 1970, is amended by striking out "Inspector of Legal Offices" in the second line and inserting in lieu thereof "Director of Land Registration appointed under *The Registry Act*".

R.S.O. 1970,
c. 409

*Real Estate
and Business
Brokers Act,*
s. 1 (c),
repealed

53.—(1) Clause *c* of section 1 of *The Real Estate and Business Brokers Act*, being chapter 401 of the Revised Statutes of Ontario, 1970, is repealed.

s. 1 (e),
re-enacted

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

(e) "Minister" means the Minister of Consumer and Commercial Relations.

(3) Subsection 1 of section 61 of the said Act is amended by ^{s. 61 (1), amended} striking out "Department" in the fifth and sixth lines and inserting in lieu thereof "Ministry of Consumer and Commercial Relations".

54.—(1) Clause *g* of section 1 of *The Registry Act*, being ^{Registry Act, s. 1, (g),} chapter 409 of the Revised Statutes of Ontario, 1970, is ^{re-}repealed and the following substituted therefor:

(*g*) "Minister" means the Minister of Consumer and Commercial Relations.

(2) Section 2 of the said Act is repealed and the following ^{s. 2, re-}substituted therefor:

2. The Minister of Consumer and Commercial Relations ^{Minister responsible} is responsible for the administration of this Act.

55. Paragraph 10 of subsection 1 of section 1 of *The Securities Act*, being ^{Securities Act, s. 1 (1), par. 10, re-}chapter 426 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

10. "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned.

56. Clause *g* of section 1 of *The Theatres Act*, being ^{Theatres Act, s. 1 (g),} chapter 459 of the Revised Statutes of Ontario, 1970, is repealed and ^{re-}the following substituted therefor:

(*g*) "Minister" means the Minister of Consumer and Commercial Relations.

57. Clause *d* of subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act*, being ^{Upholstered and Stuffed Articles Act, s. 1 (1) (d),} chapter 474 of the Revised Statutes of Ontario, 1970, is repealed and the following ^{re-}substituted therefor:

(*d*) "Minister" means the Minister of Consumer and Commercial Relations.

58. Subsections 5 and 6 of section 3 of *The Vital Statistics Act*, being ^{Vital Statistics Act, s. 3 (5),} chapter 483 of the Revised Statutes of Ontario, 1970, are repealed and the following ^{re-}substituted therefor:

(5) The Registrar General shall, after the close of each calendar year, submit to the Lieutenant Governor in Council a report as to the number of births, marriages, deaths, still-births, adoptions, divorces ^{Annual report}

and changes of names registered during the preceding calendar year and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

PART VIII

MINISTRY OF CORRECTIONAL SERVICES

Department of Correctional Services Act, title, re-enacted **59.**—(1) The title to *The Department of Correctional Services Act*, being chapter 110 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Correctional Services Act

s. 2(1), re-enacted (2) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

Department continued as Ministry (1) The department of the public service known as the Department of Correctional Services is continued under the name of the Ministry of Correctional Services.

Probation Act, s. 1(2), amended **60.** Subsection 2 of section 1 of *The Probation Act*, being chapter 364 of the Revised Statutes of Ontario, 1970, is amended by striking out "Minister of Justice and Attorney General" in the fourth and fifth lines and inserting in lieu thereof "Minister of Correctional Services".

PART IX

MINISTRY OF EDUCATION

Department of Education Act, title re-enacted **61.**—(1) The title to *The Department of Education Act*, being chapter 111 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Education Act

s. 1(b, c), re-enacted (2) Clauses *b* and *c* of section 1 of the said Act are repealed and the following substituted therefor:

(*b*) "Minister" means the Minister of Education;

(*c*) "Ministry" means the Ministry of Education.

s. 2(1), re-enacted (3) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

Department continued (1) The department of the public service known as the Department of Education is continued under the name of the Ministry of Education.

(4) Section 4 of the said Act is repealed and the following ^{s. 4,}
substituted therefor: ^{re-enacted}

4. The Minister shall, after the close of each calendar ^{Annual}
year, submit to the Lieutenant Governor in Council ^{report}
an annual report upon the affairs of the Ministry and
shall then lay the report before the Assembly if it
is in session or, if not, at the next ensuing session.

(5) Subsection 4 of section 12 of the said Act, as amended ^{s. 12 (4),}
by the Statutes of Ontario, 1971, chapter 89, section 3, ^{repealed}
subsections 3 and 4, is repealed.

(6) Subsection 5 of the said section 12, as re-enacted ^{s. 12 (5),}
by the Statutes of Ontario, 1971, chapter 89, section 3, ^{repealed}
subsection 5, is repealed.

(7) A reference in any Act or regulation to *The Department* ^{Amendment}
of *Education Act* shall be deemed to be a reference to *The* ^{of references}
Ministry of Education Act. ^{to Department}
^{of Education}
^{Act}

62. Subsection 2 of section 1 of *The Schools Administration* ^{Schools}
Act, being chapter 424 of the Revised Statutes of Ontario, ^{Administration}
1970, as amended by the Statutes of Ontario, 1971, chapter ^{Act,}
90, section 1, is further amended by striking out paragraph ^{s. 1 (2),}
9 and by adding thereto the following paragraph: ^{amended}

14a. "Ministry" means the Ministry of Education.

63.—(1) Subsection 8 of section 27 of *The Secondary Schools* ^{Secondary}
and Boards of Education Act, being chapter 425 of the ^{Schools and}
Revised Statutes of Ontario, 1970, is amended by striking ^{Boards of}
out "Department of Municipal Affairs" in the twelfth line and ^{Education}
inserting in lieu thereof "Minister". ^{Act,}
^{s. 27 (8),}
^{amended}

(2) Subclause i of clause *d* of subsection 1 of section 31 of ^{s. 31 (1) (d) (i),}
the said Act is amended by striking out "Department of ^{amended}
Municipal Affairs" in the sixth line and inserting in lieu
thereof "Minister".

(3) Subclause ii of clause *d* of subsection 1 of the said ^{s. 31 (1) (d) (ii),}
section 31 is amended by striking out "Department of ^{amended}
Municipal Affairs" in the seventh line and inserting in lieu
thereof "Minister".

(4) Clause *b* of subsection 1 of section 32 of the said Act ^{s. 32 (1) (b),}
is amended by striking out "Department of Municipal Affairs" ^{amended}
in the third line and inserting in lieu thereof "Minister".

(5) Clause *a* of subsection 1 of section 38 of the said Act ^{s. 38 (1) (a),}
is amended by striking out "Department of Municipal ^{amended}

Affairs" in the fifth line and inserting in lieu thereof "Minister".

s. 38 (9) (b),
amended

(6) Clause *b* of subsection 9 of the said section 38 is amended by striking out "Department of Municipal Affairs" in the eighth line and inserting in lieu thereof "Minister".

s. 38 (9) (c),
amended

(7) Clause *c* of subsection 9 of the said section 38 is amended by striking out "Department of Municipal Affairs" in the seventh and eighth lines and inserting in lieu thereof "Minister".

s. 38 (11),
amended

(8) Subsection 11 of the said section 38 is amended by striking out "Department of Municipal Affairs" in the seventh line and inserting in lieu thereof "Minister".

s. 38 (16),
amended

(9) Subsection 16 of the said section 38 is amended by striking out "Department of Municipal Affairs" in the seventh line and inserting in lieu thereof "Minister".

*Separate
Schools Act*,
s. 17 (b, c),
re-enacted

64.—(1) Clauses *b* and *c* of section 17 of *The Separate Schools Act*, being chapter 430 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(b) "Minister" means the Minister of Education;

(c) "Ministry" means the Ministry of Education.

s. 90 (1) (a),
amended

(2) Clause *a* of subsection 1 of section 90 of the said Act is amended by striking out "Department of Municipal Affairs" in the fifth line and inserting in lieu thereof "Minister".

*Teachers'
Super-
annuation
Act*,
s. 1,
amended

65.—(1) Section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Sess.), chapter 9, section 1, is further amended by striking out clause *d* and by adding thereto the following clause:

(ga) "Ministry" means the Ministry of Education.

s. 1 (i),
re-enacted

(2) Clause *i* of the said section 1 is repealed and the following substituted therefor:

(i) "Treasurer" means the Treasurer of Ontario.

*Teaching
Profession
Act*,
s. 1,
amended

66. Section 1 of *The Teaching Profession Act*, being chapter 456 of the Revised Statutes of Ontario, 1970, is amended by striking out clause *c* and by adding thereto the following clause:

(ga) "Ministry" means the Ministry of Education.

PART X

MINISTRY OF THE ENVIRONMENT

67.—(1) The title to *The Department of the Environment Act*, being chapter 112 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 63, section 1, is repealed and the following substituted therefor: Department of the Environment Act, title, re-enacted

The Ministry of the Environment Act

(2) Section 1 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 63, section 2, is repealed and the following substituted therefor: s. 1, re-enacted

1. In this Act,

Interpretation

- (a) “Minister” means the Minister of the Environment;
- (b) “Ministry” means the Ministry of the Environment.

(3) Subsection 1 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 63, section 3, is repealed and the following substituted therefor: s. 2(1), re-enacted

- (1) The department of the public service known as the Department of the Environment is continued under the name of the Ministry of the Environment. Department continued

(4) The said Act is amended by adding thereto the following section: s. 5a, enacted

- 5a. Any reference to the Minister of Energy and Resources Management in any Act or regulation shall be deemed to be a reference to the Minister of the Environment and any reference to the Department of Energy and Resources Management or the Department of the Environment in any Act or regulation shall be deemed to be a reference to the Ministry of the Environment. Reference to Minister or Department in other Acts

68. Section 4 of *The Department of Energy and Resources Management Amendment Act, 1971*, being chapter 63, is repealed. Department of Energy and Resources Management Amendment Act, 1971, s. 4, repealed

69.—(1) Clause *b* of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, is repealed and the following substituted therefor: Environmental Protection Act, 1971, s. 1(b), re-enacted

(b) "Board" means the Environmental Appeal Board.

s. 28 (e),
amended

(2) Clause *e* of section 28 of the said Act is amended by inserting after "upon" in the second line "into, in or through".

s. 48,
amended

(3) Section 48 of the said Act is amended by adding thereto the following subsection:

Waste
disposal
in wells
1971, c. 94

(7) An approval of the disposal of waste or mineral water as waste in an underground formation given or made under *The Petroleum Resources Act, 1971*, or any predecessor thereof, or the regulations thereunder shall be deemed to be a certificate of approval under this Part and shall continue in force according to its terms and the Director may amend or revoke the approval in accordance with this Act and the regulations thereunder.

s. 77 (1),
amended

(4) Subsection 1 of section 77 of the said Act is amended by striking out "A board to be known as the Pollution Control Appeal Board is hereby established" in the first and second lines and inserting in lieu thereof "The Board known as the Pollution Control Appeal Board is continued as the Environmental Appeal Board".

s. 77,
amended

(5) The said section 77 is amended by adding thereto the following subsections:

One member
may conduct
hearing

(5) The chairman may authorize one member of the Board to conduct a hearing by the Board and such member has all the powers of the Board for the purpose of such hearing.

Report

(6) The report of such member may be adopted as the decision of the Board by two other members of the Board, one of whom shall be the chairman or vice-chairman or may be otherwise dealt with as the Board considers proper.

Appointment
of staff
R.S.O. 1970,
c. 386

(7) Such employees as are required for the purposes of the Board may be appointed under *The Public Service Act*.

Ontario
Water
Resources
Commission
Act,
title,
re-enacted

70.—(1) The title to *The Ontario Water Resources Commission Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ontario Water Resources Act

(2) Except in clauses *b* and *c* of section 1 and sections 4 and 27, the said Act is amended by striking out "Commission" ^{"Commission" changed to "Minister"} wherever it occurs and inserting in lieu thereof in each instance "Minister", and by striking out the words "it" and "its" where they occur in relation thereto and inserting in lieu thereof in each instance "he" or "his", as the case may be.

(3) The said Act is amended by striking out "Commission" ^{Where "Commission" changed to "Crown"} where it occurs as set out in the following Table and inserting in lieu thereof in each instance "Crown".

Table

ITEM	SECTION	LINE
1	1 (<i>g</i>)	8 (first instance)
2	5	3
3	18	2
4	20 (1)	10
5	22	2
6	23 (1)	4
7	23 (1)	5
8	23 (1)	10
9	51 (3)	8
10	52 (2) (<i>c</i>)	2
11	52 (3)	3
12	52 (3)	4
13	52 (4)	4
14	52 (5)	2
15	52 (6)	3
16	52 (7)	2
17	53 (1)	2
18	53 (1) par. 1 (<i>b</i>)	1
19	54 (1)	2
20	54 (3)	2
21	56 (1)	5
22	58 (3)	8
23	60	2
24	61 (9)	2
25	73	9
26	78	6

(4) The said Act is amended by striking out "Commission" ^{Where "Commission" changed to "Executive Director, Water Supply and Pollution Control"} where it occurs in each section set out in the following Table and inserting in lieu thereof in each instance "Executive Director, Water Supply and Pollution Control", and by striking out the words "it" and "its" where they occur in relation thereto and inserting in lieu thereof in each instance "he" or "his", as the case may be.

Table

ITEM	SECTION
1	33 (1)
2	34 (1)
3	34 (2)
4	41 (1)
5	41 (3)
6	41 (4)
7	41 (5)
8	41 (6)
9	41 (7)
10	41 (8)
11	42 (1)
12	42 (3)
13	42 (4)
14	42 (5)
15	43 (1)
16	43 (3)
17	43 (4)
18	43 (5)
19	43 (11)
20	43 (12)
21	44 (1)
22	44 (3)
23	44 (4)
24	44 (5)
25	45
26	49
27	50 (1)
28	50 (2)
29	51 (1)
30	62 (1) (<i>g</i>)
31	62 (1) (<i>n</i>)
32	69 (1)
33	69 (2)
34	70 (1)

Where
 "Commission"
 changed to
 "Executive
 Director,
 Water
 Resources" (5) The said Act is amended by striking out "Commission"
 where it occurs in each section set out in the following Table
 and inserting in lieu thereof in each instance "Executive
 Director, Water Resources, of the Ministry," and by striking
 out the words "it" and "its" where they occur in relation
 thereto and inserting in lieu thereof in each instance "he" or
 "his", as the case may be.

Table

ITEM	SECTION
1	37 (3)
2	37 (4)
3	37 (6)
4	37 (7)
5	37 (8)
6	38 (1)
7	38 (3)
8	38 (4)
9	39 (1)
10	39 (2)
11	39 (3)
12	40 (1)
13	40 (2)
14	40 (4)
15	40 (5)
16	62 (1) (q)

(6) The said Act is amended by striking out the names^{Account names changed} "Ontario Water Resources Commission Debt Retirement Account", "Commission Debt Retirement Account", "Ontario Water Resources Commission Reserve Account" and "Commission Reserve Account" wherever they occur and substituting therefor "Ontario Water Resources Debt Retirement Account", "Debt Retirement Account", "Ontario Water Resources Reserve Account" and "Reserve Account", respectively.

(7) Section 1 of the said Act is amended by adding^{s.1, amended} thereto the following clause:

(ca) "Crown" means Her Majesty the Queen in right of Ontario.

(8) Clauses *d* and *e* of the said section 1 are repealed.^{s.1 (d, e), repealed}

(9) The said section 1 is amended by adding thereto the^{s.1, amended} following clauses:

(ia) "Debt Retirement Account" means the Ontario Water Resources Debt Retirement Account;

(ib) "Hearing Board" means the Environmental Hearing Board.

(10) Clause *k* of the said section 1 is repealed and the^{s.1 (k), re-enacted} following substituted therefor:

(k) "Minister" means the Minister of the Environment;

(ka) "Ministry" means the Ministry of the Environment.

s. 1,
amended

(11) The said section 1 is amended by adding thereto the following clause:

(oa) "Reserve Account" means the Ontario Water Resources Reserve Account.

ss. 2, 3,
re-enacted

(12) Sections 2 and 3 of the said Act are repealed and the following substituted therefor:

Administra-
tion

2. The Minister of the Environment is responsible for the administration of this Act.

Corporation
dissolved

3.—(1) The Ontario Water Resources Commission is dissolved.

Enforcement
of contracts,
etc.

(2) Every contract, negotiable instrument, agreement, security and covenant, and every conveyance, transfer or instrument with respect to any property or any interest therein, given to or received by or for the benefit of the Ontario Water Resources Commission or to which the Ontario Water Resources Commission is a party immediately before this section comes into force,

(a) shall enure to the benefit of and be binding upon the Crown; and

(b) may be enforced in accordance with the terms thereof as if received by or for the benefit of or entered into with the Crown,

and every reference therein to the Ontario Water Resources Commission shall be deemed to be a reference to the Crown, and the Minister, except with respect to rates under agreements made under subsection 1a of section 17 and subsection 3 of section 52, may exercise every power, right, privilege and discretion therein or with respect thereto that the Commission could have exercised.

Transfer of
assets, etc.

(3) All assets and liabilities of the Ontario Water Resources Commission vest in and are binding upon the Crown.

- (4) A reference in any direction, order, report, approval, notice, permit, licence or document made, given or issued under this Act before this section comes into force shall be deemed to be a reference to the Assistant Deputy Minister, Water Management, Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry, in whom the power to make, give or issue such direction, order, report, approval, notice, permit, licence or document is vested under this Act and who is hereby empowered to exercise any power, right or discretion in any such direction, order, report, approval, notice, permit, licence or document made, given or issued before this section comes into force. ^{Amendment of reference to Ontario Water Resources Commission}
- (5) A reference to the Commission in Regulation 644 or Regulation 647 of the Revised Regulations of Ontario, 1970 shall be deemed to be a reference to the Executive Director, Water Supply and Pollution Control, of the Ministry. ^{Reference in regulations}
- (6) A reference in any other Act or in any regulation or document made or issued under or pursuant to any other Act to the Ontario Water Resources Commission shall be deemed to be a reference to the Minister. ^{Reference in other Acts}
- (7) A reference to the Ontario Water Resources Commission in any action or proceeding that is commenced before this section comes into force shall be deemed to be a reference to the Crown and the Minister may exercise any right, power, privilege or discretion with respect to the action or proceeding that the Commission could have exercised. ^{Actions or proceedings}
- (8) Every power, right, privilege and discretion with respect to rates under agreements made under subsection 1a of section 17 and subsection 3 of section 52 may be exercised by the Assistant Deputy Minister, Water Management, of the Ministry. ^{Rates}
- (9) Any action taken or notice given or hearing held by the Commission immediately before this section comes into force with respect to any licence, permit, notice, direction, order, report or approval shall be deemed to have been taken, given or held by the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources or the Assistant Deputy Minister, Water Management, of the Ministry, in whom the power to make, issue or give such licence, permit, notice, direction, order, report or approval is vested under this Act. ^{Idem}

s. 9,
re-enacted

(13) Section 9 of the said Act is repealed and the following substituted therefor:

Delegation
of authority

9. Where under this Act any power, duty or authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power, duty or authority to the Deputy Minister or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Environ-
mental
Hearing
Board
established

- 9a.—(1) A board to be known as the Environmental Hearing Board is established and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time may determine.

Appointment
of members
and
designation
of chairman
and vice-
chairman

- (2) The Lieutenant Governor in Council shall,
- (a) appoint the members of the Hearing Board, none of whom shall be members of the public service in the employ of the Ministry; and
 - (b) designate one of the members as chairman and another member as vice-chairman.

Where
chairman
absent

- (3) In the case of the absence or inability of the chairman to act or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman and, in the absence of the chairman and vice-chairman from any meeting of the Hearing Board, the other members shall appoint an acting chairman who shall act as and have all the powers of the chairman.

Term of
office

- (4) Members of the Hearing Board shall hold office during pleasure.

Quorum

- (5) Three members of the Hearing Board constitute a quorum.

Appointment
of staff
R.S.O. 1970,
c. 386

- (6) Such employees as are required for the purposes of the Hearing Board may be appointed under *The Public Service Act*.

Remunera-
tion

- (7) The members of the Hearing Board shall be paid such remuneration as the Lieutenant Governor in Council may determine.

- (8) The powers of the Hearing Board shall be exercised ^{Execution of powers} by resolution.
- (9) The Hearing Board may pass resolutions governing ^{Resolutions} the proceedings and the calling of meetings and hearings of the Hearing Board, specifying the powers and duties of employees of the Hearing Board and generally dealing with the carrying out of its function.
- (10) Where the Assistant Deputy Minister, Water Manage- ^{When Hearing Board to hold hearing} ment, the Executive Director, Water Supply and Pollution Control, or the Executive Director, Water Resources, of the Ministry is required or permitted to hold a hearing or considers a hearing necessary or advisable under this Act, he may by a notice in writing and on such terms and conditions as he may direct, require the Hearing Board to hold the hearing.
- (11) Upon receipt of notice from the Assistant Deputy ^{When Hearing Board to hold public hearing} Minister, Water Management, the Executive Director, Water Supply and Pollution Control, or the Executive Director, Water Resources, of the Ministry, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control, or the Executive Director, Water Resources, of the Ministry, as the case may be.
- (12) The report of the Hearing Board shall contain a ^{Contents of report} summary of the information presented and the views expressed at the hearing and its opinion on the merits of the subject-matter of the hearing in light of such information and views together with its reasons therefor.
- (13) The chairman may authorize one or more members ^{One or more members may conduct hearing} of the Hearing Board to conduct a hearing and, except where a quorum of the Hearing Board conducts the hearing, to report to the Hearing Board and such member or members shall have all the powers of the Hearing Board for the purposes of the hearing.
- (14) On the direction in writing of the Assistant Deputy ^{Hearings commenced by Commission} Minister, Water Management, the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry, where the Commission, immediately before this section comes into force, proposed to hold or commenced but did not complete a hearing, the hearing shall be held or continued by the Hearing Board and any

action or notice taken or given by the Commission shall be deemed to have been taken or given by the Hearing Board.

- | | |
|---|---|
| Inspection | (15) For purposes relevant to the subject-matter of a public hearing, the Hearing Board and its employees may enter and inspect any land or premises at any reasonable time. |
| ss. 11-13
re-enacted | (14) Sections 11, 12 and 13 of the said Act are repealed and the following substituted therefor: |
| Super-
annuation
benefits
R.S.O. 1970,
c. 387 | 11.—(1) Except as provided in subsection 2, <i>The Public Service Superannuation Act</i> applies to the officers, clerks and servants of the Ministry who were members of the permanent or full-time probationary staff of the Commission immediately before this section comes into force. |
| Idem | (2) An employee of the Crown who was a member or who was entitled to become a member of The Ontario Municipal Employees Retirement System by reason of his employment with the Commission immediately before this section comes into force shall continue to be a member or to be entitled to become a member, as the case may be, and the Crown shall assume in respect of such employee all the rights and obligations of the Commission under <i>The Ontario Municipal Employees Retirement System Act</i> . |
| R.S.O. 1970,
c. 324 | |
| Security by
officers | 12. Every employee of the Ministry who is entrusted by the Minister with the custody or control of money or securities shall give security in the manner and form provided by <i>The Public Officers Act</i> . |
| R.S.O. 1970,
c. 382 | |
| Fiscal
year | 13. The fiscal year of the Ministry with respect to agreements with municipalities under sections 17 and 52 begins on the 1st day of January and ends on the 31st day of December of the same year. |
| s. 17 (1) (a, d),
repealed | (15) Clauses <i>a</i> and <i>d</i> of subsection 1 of section 17 of the said Act are repealed. |
| s. 17,
amended | (16) The said section 17 is amended by adding thereto the following subsections: |
| Idem | (1a) Notwithstanding any other Act, the Crown, represented by the Minister, may make agreements with any one or more municipalities or persons with respect to a supply of water or the reception, treatment and disposal of sewage. |
| Power of
Executive
Director | (1b) Notwithstanding any other Act, it is the function of the Executive Director, Water Supply and Pollution Control of the Ministry and he has power to control |

and regulate the collection, production, treatment, storage, transmission, distribution and use of water for public purposes and to make orders with respect thereto.

(17) Subsection 2 of the said section 17 is amended by ^{s. 17 (2), amended} striking out "clause *a* of subsection 1" in the second line and inserting in lieu thereof "subsection 1*b*".

(18) Section 18 of the said Act is amended by striking out ^{s. 18, amended} "clause *d* of subsection 1" in the second line and inserting in lieu thereof "subsection 1*a*".

(19) Subsection 1 of section 21 of the said Act is amended ^{s. 21 (1), amended} by striking out "The Commission may for its purposes" in the first line and inserting in lieu thereof "The Minister, for and on behalf of the Crown, may for the purposes of this Act".

(20) Section 24 of the said Act is amended by inserting ^{s. 24, amended} after "discretion" in the fourth line "and with the consent of the Treasurer of Ontario".

(21) Section 26 of the said Act is repealed and the ^{s. 26, re-enacted} following substituted therefor:

26. The functions of the Minister shall, without limiting ^{Functions, what to include} the generality thereof include,
- (a) the acquisition, construction, operation and maintenance of projects and any renewals, betterments, enlargements, replacements and extensions thereof or additions thereto, providing in whole or in part for expenditures made or to be made in connection therewith by the Minister, including interest, engineering fees and other charges and expenses in connection with the construction of any project, or reimbursement for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings by the Minister for any such purposes;
 - (b) the payment, refunding or renewal from time to time of the whole or any part of any loan raised or debentures issued by the Commission before this section comes into force or by the Crown in respect of matters under this Act;
 - (c) the repayment from time to time of the whole or any part of any advances made hereafter by the Province to the Minister or made to the Commission before this section comes into force or of any debentures of the Commission

issued and delivered to the Treasurer of Ontario in respect of such advances to the Commission; and

- (d) the payment of the whole or any part of any other obligation, liability or indebtedness of the Crown or the Minister incurred under this Act or of the Commission incurred before this section comes into force.

s. 32 (5),
amended

(22) Subsection 5 of section 32 of the said Act is amended by striking out "Department of Health or the Commission" in the fourth line and inserting in lieu thereof "former Department of Health, the Commission or the Executive Director, Water Supply and Pollution Control, of the Ministry".

s. 33 (1),
amended

(23) Subsection 1 of section 33 of the said Act is amended by striking out "with the approval of the Minister" in the first line and in the fifth and sixth lines.

s. 35,
repealed

(24) Section 35 of the said Act is repealed.

s. 36 (1),
re-enacted

(25) Subsection 1 of section 36 of the said Act is repealed and the following substituted therefor:

Area
defined for
protection
of public
water supply

(1) An area may be defined that includes a source of public water supply,

- (a) by the Executive Director, Water Supply and Pollution Control, of the Ministry, wherein no person shall swim or bathe; or
- (b) by the Executive Director, Water Supply and Pollution Control, of the Ministry, wherein no material of any kind that may impair the quality of water therein shall be placed, deposited, discharged or allowed to remain; or
- (c) by the Executive Director, Water Resources, of the Ministry, wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the appropriate Executive Director considers necessary for the protection of the source of public water supply.

(26) Subsection 2 of section 43 of the said Act is repealed. s. 43 (2),
repealed

(27) Subsection 2 of section 44 of the said Act is repealed. s. 44 (2),
repealed

(28) Section 48 of the said Act is amended by striking out s. 48,
amended "Department of Health or the Commission" in the second and third lines and "Department of Health or of the Commission, of the Minister of Health" in the fifth and sixth lines and inserting in lieu thereof "former Department of Health, the Commission or the Executive Director, Water Supply and Pollution Control of the Ministry" and "former Department of Health, of the Commission, of the former Minister of Health or of the Executive Director, Water Supply and Pollution Control of the Ministry", respectively.

(29) Subsection 3 of section 51 of the said Act is amended s. 51 (3),
amended by striking out "the Commission" in the third line and inserting in lieu thereof "and the time for taking an appeal has passed or there has been final disposition of an appeal by which the report is confirmed or altered, the Executive Director, Water Supply and Pollution Control, of the Ministry" and by inserting after "report" in the fifth line "or the report as confirmed or altered".

(30) Subsection 1 of section 53 of the said Act is repealed and s. 53 (1),
re-enacted the following substituted therefor:

- (1) Every municipality that has entered into an agree- Payments by
municipali-
ties to
Minister
under
agreement ment with the Crown under section 52 shall pay to the Minister the following sums or, where such agreement is with more than one municipality, or where the project requires more than one agreement at least one of which is with a municipality, its share as adjusted by the Assistant Deputy Minister, Water Management, of the Ministry, of the following sums:

1. In each calendar year during the currency of such agreement, commencing with the calendar year in which occurs the date of completion of such project,

- (a) the proportion payable by the municipality or municipalities party or parties to the project, as adjusted by the Assistant Deputy Minister, Water Management, of the total amount of interest and expenses of debt service that would be payable by the Commission in each such year if the Commission were not dissolved in respect of all borrowings of the Commission from time to time outstanding and

made by the Commission at any time before or after the making of such agreement for the purpose of meeting,

- (i) the cost or estimated cost of all projects, except projects under agreements referred to in subsection 2, or
- (ii) the cost or estimated cost of all projects referred to in subsection 2,

at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects, including the refunding or repayment in whole or in part of any such borrowings;

- (b) the total cost to the Crown in each such year of the operation, supervision, maintenance, repair, administration and insurance of such project; and
- (c) the total amount in each such year placed by the Minister to the credit of the reserve account referred to in subsection 1 of section 57 in respect of such project or an amount equal to $1\frac{1}{2}$ per cent of the cost of such project, whichever is less, and such additional amount as may be approved by the municipality or municipalities.

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation to form at the expiry of such period of years a fund equal to the cost of such project.

s. 53 (2),
amended

(31) Subsection 2 of the said section 53 is amended by striking out "by the Commission" in the sixth and seventh lines.

(32) Subsection 3 of the said section 53 is amended by <sup>s. 53 (3),
amended</sup> striking out “Commission” in the first line and inserting in lieu thereof “Assistant Deputy Minister, Water Management, of the Ministry”.

(33) Subsection 4 of the said section 53 is amended by <sup>s. 53 (4),
amended</sup> striking out “Commission” in the sixth line and inserting in lieu thereof “Crown and the Minister”.

(34) Section 55 of the said Act is amended by striking out <sup>s. 55,
amended</sup> “clause *d* of subsection 1” in the second line and inserting in lieu thereof “subsection 1*a*”.

(35) Subsection 1 of section 58 of the said Act is repealed <sup>s. 58 (1),
re-enacted</sup> and the following substituted therefor:

- (1) All moneys received by the Minister from all <sup>Debt
Retirement
Account</sup> municipalities under paragraph 2 of subsection 1 of section 53 shall be deposited by the Minister as a consolidated fund in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called “Ontario Water Resources Debt Retirement Account” and may be applied by the Minister, with the consent of the Treasurer of Ontario,
 - (a) to the purchase or redemption before maturity of debentures of the Commission or to the repayment in whole or in part of any debentures issued by the Commission, of any advances made by the Province to the Commission, of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances or of any other obligation, liability or indebtedness of the Commission, where they or any of them are issued, advanced or incurred, as the case may be, before this section comes into force;
 - (b) to the purchase or redemption before maturity of debentures of the Crown issued in respect of matters under this Act, or to the repayment in whole or in part of any debentures issued by the Crown in respect of matters under this Act, of any advances made by the Province to the Minister in respect of matters under this Act, or of any other obligation, liability or indebtedness of the Minister or the Crown in respect of any matter under this Act,

provided always that the moneys paid by any municipality and deposited in the Debt Retirement Account in respect of any project shall be retained in the Debt Retirement Account and kept invested until the expiration of the period of years during which payments are required to be made by such municipality in respect of such project under paragraph 2 of subsection 1 of section 53.

s. 58 (3),
amended

(36) Subsection 3 of the said section 58 is amended by inserting after "section" in the seventh line "and with the consent of the Treasurer of Ontario".

s. 58 (5),
re-enacted

(37) Subsection 5 of the said section 58 is repealed and the following substituted therefor:

Discharge of
indebtedness
to Province

(5) Notwithstanding any other provision of this Act, the Minister may at any time, with the consent of the Treasurer of Ontario, pay any sum out of the Debt Retirement Account to the Province in payment or part payment of any sums owing to the Province,

(a) by the Commission; or,

(b) after this section comes into force, with respect to any matter under this Act,

so long as the total amount so paid in any year does not exceed the total amount borrowed from the Province in respect of matters under this Act in that year.

s. 59 (7, 8),
re-enacted

(38) Subsections 7 and 8 of section 59 of the said Act are repealed and the following substituted therefor:

Powers

(7) The moneys in the Reserve Account and in the Debt Retirement Account may be invested with the consent of the Treasurer of Ontario in any manner permitted for the investment of the funds of the Minister under section 24 or in time-deposit accounts in any chartered bank of Canada in either Canadian or United States dollars, and the moneys in the Debt Retirement Account may also be invested in debentures of the Commission issued before this section comes into force, but, if any such moneys are used to purchase or redeem debentures issued by the Commission before the maturity thereof, the debentures so purchased or redeemed shall not be cancelled but shall be retained as investments and shall continue to bear interest until maturity.

- (8) Upon the written request of the Minister stating ^{Requisition of money} that a sum of money is required by the Minister for a purpose mentioned in section 57 or 58, the investment committee shall pay such sum to the Minister out of the Reserve Account or the Debt Retirement Account, as the case may be, and the receipt of the Minister for such moneys is sufficient discharge to the investment committee for such payment and the investment committee shall not be held responsible for the application of such moneys.

(39) The said section 59 is amended by adding thereto the ^{s. 59, amended} following subsection:

- (12) Notwithstanding anything in this section, the powers, ^{Investment committee} duties and determinations of the investment committee are subject to the supervision and direction of the Treasurer of Ontario.

(40) Subsection 2 of section 61 of the said Act is amended ^{s. 61 (2), amended} by striking out “with the approval of the Minister” in the fourth line.

(41) Subsection 5 of the said section 61 is amended by ^{s. 61 (5), amended} striking out “with the approval of the Minister” in the second line.

(42) Subsection 6 of the said section 61 is repealed. ^{s. 61 (6), repealed}

(43) Subsection 7 of the said section 61 is amended by ^{s. 61 (7), amended} striking out “the secretary of” in the second line.

(44) Subsection 14 of the said section 61 is amended by ^{s. 61 (14), amended} striking out “Commission” in the twelfth line and inserting in lieu thereof “Minister and the Assistant Deputy Minister, Water Management, of the Ministry”.

(45) Except in, ^{s. 61, amended}

- (a) clause *c* of subsection 2 and subsections 11 and 12;
- (b) the twelfth line of subsection 14,

the said section 61 is amended by striking out “Commission” wherever it occurs and inserting in lieu thereof in each instance “Assistant Deputy Minister, Water Management, of the Ministry”.

s. 68,
amended

(46) Section 68 of the said Act is amended by striking out "Commission" in the third and fourth lines and inserting in lieu thereof "Ministry".

s. 69 (1),
amended

(47) Subsection 1 of section 69 of the said Act is amended by striking out "with the approval of the Minister" in the fifth and sixth lines.

ss. 6-8, 10,
14-16, 28,
29, 71,
repealed

(48) Sections 6, 7, 8, 10, 14, 15, 16, 28, 29 and 71 of the said Act are repealed.

s. 74,
amended

(49) Section 74 of the said Act is amended by striking out "Commission" in the third line and inserting in lieu thereof "Assistant Deputy Minister, Water Management, Executive Director, Water Supply and Pollution Control or Executive Director, Water Resources, of the Ministry".

ss. 79, 80,
enacted

(50) The said Act is amended by adding thereto the following sections:

Submissions

79.—(1) Where the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry intends to make, give or issue a direction, order, report or notice, other than an emergency order, he shall serve notice of his intention together with written reasons therefor upon the person or municipality to whom he intends to make, give or issue the direction, order report or notice and shall not make, give or issue the direction, order, report or notice until fifteen days after the service thereof and such person or municipality may make submissions to him at any time before the making, giving or issuing of the direction, order, report or notice.

When
approval,
etc.,
refused

(2) When the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control, or the Executive Director, Water Resources, of the Ministry,

(a) refuses to issue or renew, or cancels or suspends a licence or permit or refuses to grant an approval;

(b) imposes terms and conditions in issuing a licence or permit or in granting an approval;

(c) alters the terms and conditions of a permit after it is issued; or

- (d) gives or makes any notice, direction, report or order, except an order under section 61,

he shall serve written notice of the refusal, cancellation or suspension referred to in clause *a*, the terms and conditions imposed or altered as referred to in clause *b* or *c*, or a written copy of the notice, direction, report or order referred to in clause *d*, together with written reasons therefor, in each case upon the applicant or the person or municipality to whom the licence, permit, approval, direction, order, report or notice is issued, as the case may be, and the applicant, person or municipality may, by written notice served upon the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, as the case may be, of the Ministry and the Environmental Appeal Board within fifteen days after the service of the notice, terms and conditions or written copy together with written reasons therefor in each case require a hearing by the Environmental Appeal Board.

- (3) The provisions of section 80 of *The Environmental Protection Act, 1971* apply *mutatis mutandis* to a hearing by the Environmental Appeal Board under this section. ^{Hearing 1971, c. 86}

- (4) The applicant, person or municipality requiring the hearing, the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry, as the case may be, and any other persons specified by the Environmental Appeal Board are parties to the hearing. ^{Parties to hearing}

- 80.—(1) In this section and in section 79, “emergency order” means an order, direction, report or notice issued, made or given under this Act in an emergency by reason of, ^{Interpretation}

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of any waters or the use thereof; or
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life.

Enforce-
ment of
order

- (2) No order, direction, report or notice, except an emergency order, shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed.

Compliance

- (3) A person or municipality to whom an emergency order is issued, made or given shall comply with the emergency order forthwith after service of the order or a written copy thereof.

When
emergency
order
altered on
appeal

- (4) When an emergency order is appealed and is altered or rescinded on final appeal, the alteration or rescission of the order comes into force on the date the final decision on appeal is given.

*Pesticides
Act,
s. 1 (c),
repealed*

71.—(1) Clause *c* of section 1 of *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970, is repealed.

s. 1 (*k*),
re-enacted

(2) Clause *k* of the said section 1 is repealed and the following substituted therefor:

(*k*) “Minister” means the Minister of the Environment;

(*ka*) “Ministry” means the Ministry of the Environment.

Amendment
of
references
R.S.O. 1970,
c. 346

(3) A reference in any regulation made under *The Pesticides Act* or in any licence, notice or other instrument issued or made under such Act or the regulations thereunder to the Department of Health or the Minister of Health shall be deemed to be a reference to the Ministry of the Environment or the Minister of the Environment, respectively.

*Pollution
Abatement
Incentive
Act,
s. 8,
amended*

72. Section 8 of *The Pollution Abatement Incentive Act*, being chapter 352 of the Revised Statutes of Ontario, 1970, is amended by striking out “Department of Energy and Resources Management or of the Ontario Water Resources Commission” in the second and third lines and inserting in lieu thereof “Ministry of the Environment”.

*Power
Commission
Act,
s. 10 (1),
amended*

73.—(1) Subsection 1 of section 10 of *The Power Commission Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, is amended by striking out “Provincial Secretary” in the second line and inserting in lieu thereof “Minister of the Environment”.

s. 10 (3),
amended

(2) Subsection 3 of the said section 10 is amended by striking out “Provincial Secretary” in the first line and inserting in lieu thereof “Minister of the Environment”.

(3) Section 47 of the said Act is amended by striking out ^{s. 47, amended} "Department of Municipal Affairs" wherever it occurs in subsections 3, 12 and 14 and inserting in lieu thereof in each instance "Ministry of Revenue" and by striking out "Minister of Municipal Affairs" in the first line of subsection 13 and inserting in lieu thereof "Treasurer of Ontario".

PART XI

MINISTRY OF GOVERNMENT SERVICES

74.—(1) The title to *The Public Works Act*, being chapter ^{*Public Works Act,*} 393 of the Revised Statutes of Ontario, 1970, is repealed ^{title, re-enacted} and the following substituted therefor:

The Government Services Act

(2) Clause *c* of section 1 of the said Act is repealed. ^{s. 1 (c), repealed}

(3) Clause *f* of the said section 1 is repealed and the ^{s. 1 (f), re-enacted} following substituted therefor:

(*f*) "Minister" means the Minister of Government Services;

(*fa*) "Ministry" means the Ministry of Government Services.

(4) Section 3 of the said Act is amended by striking out ^{s. 3, amended} "Public Works" in the first line and inserting in lieu thereof "Government Services".

(5) A reference in any Act or regulation to the Minister ^{Amendment of references to "Public Works"} of Public Works, the Department of Public Works or *The Public Works Act* shall be deemed to be a reference to the Minister of Government Services, the Ministry of Government Services or *The Government Services Act*, respectively.

75. Section 2 of *The Legislative Assembly Retirement Allowances Act*, being chapter 241 of the Revised Statutes of Ontario, 1970, is amended by striking out "Treasurer" and inserting in lieu thereof "Minister of Government Services". ^{Legislative Assembly Retirement Allowances Act, s. 2, amended}

76.—(1) Subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised ^{*Public Service Superannuation Act,*} Statutes of Ontario, 1970, is amended by adding thereto ^{s. 1 (1), amended} the following clause:

(fa) "Minister" means the Minister of Government Services.

s. 2,
amended

(2) Section 2 of the said Act is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

s. 4,
amended

(3) Section 4 of the said Act is amended by striking out "Treasurer" in the second line and in the fifth line and inserting in lieu thereof in each instance "Minister".

s. 28 (3),
amended

(4) Subsection 3 of section 28 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 40, section 6, subsection 3, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

s. 35 (1),
amended

(5) Subsection 1 of section 35 of the said Act is amended by striking out "Treasurer" in the second line and inserting in lieu thereof in each instance "Minister".

s. 35 (2),
amended

(6) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

PART XII

MINISTRY OF HEALTH

*Department
of Health
Act,
title,
re-enacted*

77.—(1) The title to *The Department of Health Act*, being chapter 114 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Health Act

s. 2 (1),
re-enacted

(2) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

*Department
continued
as Ministry*

(1) The department of the public service known as the Department of Health is continued under the name of the Ministry of Health.

*Cancer Act,
s. 12 (2),
amended*

78.—(1) Subsection 2 of section 12 of *The Cancer Act*, being chapter 55 of the Revised Statutes of Ontario, 1970, is amended by striking out "file the report with the Provincial Secretary who shall" in the first and second lines.

s. 27 (2),
amended

(2) Subsection 2 of section 27 of the said Act is amended by striking out "file the report with the Provincial Secretary who shall" in the first and second lines.

PART XIII

MINISTRY OF INDUSTRY AND TOURISM

79.—(1) The title to *The Department of Tourism and Information Act*, being chapter 122 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Department of Tourism and Information Act, title, re-enacted

The Tourism Act

(2) Clause *a* of section 1 of the said Act is repealed. s. 1 (a), repealed

(3) Clause *c* of the said section 1 is repealed and the following substituted therefor: s. 1 (c), re-enacted

(c) “Minister” means the Minister of Industry and Tourism;

(ca) “Ministry” means the Ministry of Industry and Tourism.

(4) Sections 2, 3 and 4 of the said Act are repealed. ss. 2-4, repealed

(5) Subsection 1 of section 6*f* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 31, subsection 3, is amended by striking out “Tourism and Information” in the thirteenth line and inserting in lieu thereof “Industry and Tourism”. s. 6*f* (1), amended

(6) Section 10, as amended by the Statutes of Ontario, 1971, chapter 50, section 31, subsection 6, and section 11 of the said Act are repealed. ss. 10, 11, repealed

(7) Clause *d* of subsection 1 of section 13 of the said Act is amended by striking out “and historical institutions” in the fourth line. s. 13 (1) (d), amended

(8) Clauses *l* and *m* of subsection 1 of the said section 13 are repealed. s. 13 (1) (l, m), repealed

80.—(1) Clause *d* of subsection 1 of section 1 of *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Northern Ontario Development Corporation Act, s. 1 (1) (d), re-enacted

(d) “Minister” means the Minister of Industry and Tourism or such other member of the Executive

Council as the Lieutenant Governor in Council designates.

s. 6 (1) (c),
amended

(2) Clause *c* of subsection 1 of section 6 of the said Act is amended by striking out "*The Department of Trade and Development Act*" in the fourth and fifth lines and inserting in lieu thereof "*The Ministry of Industry and Tourism Act*".

*Ontario
Develop-
ment
Corporation
Act,*
s. 1 (e),
re-enacted

81.—(1) Clause *e* of section 1 of *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(e) "Minister" means the Minister of Industry and Tourism or such other member of the Executive Council as the Lieutenant Governor in Council designates.

s. 8 (1) (c),
amended

(2) Clause *c* of subsection 1 of section 8 of the said Act is amended by striking out "*The Department of Trade and Development Act*" in the fourth and fifth lines and inserting in lieu thereof "*The Ministry of Industry and Tourism Act*".

PART XIV

MINISTRY OF LABOUR

*Department
of Labour
Act,*
title,
re-enacted

82.—(1) The title to *The Department of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Labour Act

s. 7,
re-enacted

(2) Section 7 of the said Act is repealed and the following substituted therefor:

Annual
report

7. The Minister shall after the close of each fiscal year submit an annual report upon the affairs of the Ministry to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reference
to *Depart-
ment of
Labour Act*

(3) A reference in any Act or regulation to *The Department of Labour Act* shall be deemed to be a reference to *The Ministry of Labour Act*.

83.—(1) Section 1 of *The Loggers' Safety Act*, being chapter ^{*Loggers' Safety Act,*} 257 of the Revised Statutes of Ontario, 1970, is amended ^{amended} by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Director" means the Director appointed under *The Industrial Safety Act, 1971*. 1971, c. 43

(2) Subsection 2 of section 7 of the said Act, as re-enacted ^{*Loggers' Safety Act,*} by the Statutes of Ontario, 1971, chapter 50, section 54, ^{s. 7 (2),} subsection 3, is amended by striking out "district forester for ^{amended} the forestry district in which the logging or work to which the order relates is carried on" in the fifth, sixth and seventh lines and inserting in lieu thereof "Director".

(3) Subsection 4 of the said section 7 is amended by striking ^{s. 7 (4),} out "district forester" in the second line and in the third line ^{amended} and inserting in lieu thereof in each instance "Director".

(4) Subsection 5 of the said section 7 is amended by striking ^{s. 7 (5),} out "district forester" in the fourth line and inserting in lieu ^{amended} thereof "Director".

(5) Subsection 6 of the said section 7 is amended by striking ^{s. 7 (6),} out "district forester" in the second line and inserting in lieu ^{amended} thereof "the Director".

PART XV

MINISTRY OF NATURAL RESOURCES

84.—(1) Clause *g* of section 1 of *The Conservation Authorities* ^{*Conservation Authorities Act,*} being chapter 78 of the Revised Statutes of Ontario, 1970, as ^{s. 1 (g),} re-enacted by the Statutes of Ontario, 1971, chapter 64, ^{re-enacted} section 1, is repealed and the following substituted therefor:

(g) "Minister" means the Minister of Natural Resources.

(2) Section 32 of the said Act is amended by striking out ^{s. 32,} "Department of Municipal Affairs" wherever it occurs and ^{amended} inserting in lieu thereof in each instance "Ministry of Revenue".

85.—(1) Subsection 1 of section 19 of *The Niagara Parks* ^{*Niagara Parks Act,*} being chapter 298 of the Revised Statutes of Ontario, ^{s. 19 (1),} 1970, is amended by striking out "Provincial Secretary" in ^{amended} the second line and inserting in lieu thereof "Minister".

s. 19 (2),
amended

(2) Subsection 2 of the said section 19 is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

*Parks
Assistance
Act,*
s. 1 (1) (b),
repealed

86.—(1) Clause *b* of subsection 1 of section 1 of *The Parks Assistance Act*, being chapter 337 of the Revised Statutes of Ontario, 1970, is repealed.

s. 3 (1),
amended

(2) Subsection 1 of section 3 of the said Act is amended by striking out "upon the recommendation of the Board and" in the first and second lines.

s. 5,
amended

(3) Section 5 of the said Act is amended by striking out "Board" in the second line and in the fourth line and inserting in lieu thereof in each instance "Minister".

s. 6 (1),
amended

(4) Subsection 1 of section 6 of the said Act is amended by striking out "Board" in the first line and inserting in lieu thereof "Minister".

s. 6 (2),
amended

(5) Subsection 2 of the said section 6 is amended by striking out "Board" in the second line and inserting in lieu thereof "Minister" and by striking out "it" in the fourth line and inserting in lieu thereof "he".

s. 7,
amended

(6) Section 7 of the said Act is amended by striking out "Board" in the third line and inserting in lieu thereof "Minister".

s. 8,
amended

(7) Section 8 of the said Act is amended by striking out "Board" in the fourth line and inserting in lieu thereof "Lieutenant Governor in Council".

s. 10 (1),
amended

(8) Subsection 1 of section 10 of the said Act is amended by striking out "Board" in the second line and inserting in lieu thereof "Minister".

*Provincial
Parks Act,*
s. 8 (1),
amended

87.—(1) Subsection 1 of section 8 of *The Provincial Parks Act*, being chapter 371 of the Revised Statutes of Ontario, 1970, is amended by striking out "Ontario Parks Integration Board" in the second line and inserting in lieu thereof "Lieutenant Governor in Council".

s. 8 (3),
amended

(2) Subsection 3 of the said section 8 is amended by striking out "Ontario Parks Integration Board" in the first and second lines and inserting in lieu thereof "Lieutenant Governor in Council".

PART XVI

MINISTRY OF REVENUE

88.—(1) The title to *The Department of Revenue Act*, being ^{Department of Revenue Act,} chapter 119 of the Revised Statutes of Ontario, 1970, is ^{title,} repealed and the following substituted therefor: ^{re-enacted}

The Ministry of Revenue Act

(2) Section 2 of the said Act is repealed and the following ^{s. 2,} substituted therefor: ^{re-enacted}

2. The department of the public service known as the ^{Department continued} Department of Revenue is continued under the ^{as Ministry} name of the Ministry of Revenue.

89.—(1) Clause *i* of section 1 of *The Assessment Act*, being ^{Assessment Act,} chapter 32 of the Revised Statutes of Ontario, 1970, is ^{s. 1 (i),} repealed. ^{repealed}

(2) Clause *n* of the said section 1 is repealed and the ^{s. 1 (n),} following substituted therefor: ^{re-enacted}

(*n*) “Minister” means the Minister of Revenue;

(*na*) “Ministry” means the Ministry of Revenue.

90.—(1) *The Elderly Persons’ Housing Aid Act*, being ^{Elderly Persons’ Housing Aid Act,} chapter 141 of the Revised Statutes of Ontario, 1970, is ^{s. 1,} amended by renumbering section 1 as subsection 2 and by ^{amended} adding thereto the following subsection:

- (1) In this Act, “Minister” means the member of the ^{Interpre-} Executive Council to whom the administration of this ^{tation} Act is assigned by the Lieutenant Governor in Council.

(2) Subsection 2 of the said section 1, as renumbered ^{s. 1 (2),} by subsection 1, is amended by striking out “of Trade and ^{amended} Development” in the first line.

91.—(1) Clauses *b* and *c* of section 1 of *The Provincial Land Tax Act*, being chapter 370 of the Revised Statutes of ^{Provincial Land Tax Act,} Ontario, 1970, are repealed and the following substituted ^{s. 1 (b),} therefor: ^{re-enacted;} ^{s. 1 (c),} ^{repealed}

- (*b*) “Deputy Minister” means the Deputy Minister of Revenue.

s. 1 (e),
re-enacted

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

(*e*) "Minister" means the Minister of Revenue;

(*ea*) "Ministry" means the Ministry of Revenue.

*Railway
Fire Charge
Act,
s. 1 (b),
re-enacted*

92. Clause *b* of section 1 of *The Railway Fire Charge Act*, being chapter 400 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*b*) "Minister" means the Minister of Revenue.

PART XVII

MINISTRY OF THE SOLICITOR GENERAL

*Coroners
Act,
s. 4,
amended*

93.—(1) Section 4 of *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, is amended by striking out "Inspector of Legal Offices" in the second line and inserting in lieu thereof "Deputy Solicitor General".

s. 37 (11),
amended

(2) Subsection 11 of section 37 of the said Act is amended by striking out "Deputy Minister of Justice and Deputy Attorney General" in the fifth and sixth lines and inserting in lieu thereof "Deputy Solicitor General".

Act,
amended

(3) The said Act is amended by striking out "Minister of Justice and Attorney General" wherever it occurs and inserting in lieu thereof in each instance "Solicitor General".

*Emergency
Measures
Act,
s. 1 (a),
re-enacted;
s. 1 (c),
repealed*

94.—(1) Clauses *a* and *c* of section 1 of *The Emergency Measures Act*, being chapter 145 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(*a*) "Director" means the Director of the Emergency Measures Branch of the Ministry of the Solicitor General.

s. 2,
amended

(2) Section 2 of the said Act is amended by striking out "Department of Justice" in the first line and inserting in lieu thereof "Ministry of the Solicitor General".

ss. 3, 5, 6, 8,
amended

(3) The said Act is amended by striking out "Minister" wherever it occurs in sections 3, 5, 6 and 8 and inserting in lieu thereof in each instance "Solicitor General".

95.—(1) Subsection 3 of section 6 of *The Fire Departments Act*, being chapter 169 of the Revised Statutes of Ontario, 1970, is amended by striking out “Minister of Justice and Attorney General” in the fourth line and inserting in lieu thereof “Solicitor General”. ^{*Fire Departments Act, s. 6 (3), amended*}

(2) Subsection 5 of section 7 of the said Act is amended by striking out “Minister of Justice and Attorney General” in the eleventh and twelfth lines and inserting in lieu thereof “Solicitor General”. ^{*s. 7 (5), amended*}

96. Subsection 4 of section 4 of *The Fire Marshals Act*, being chapter 172 of the Revised Statutes of Ontario, 1970, is amended by striking out “of Justice and Attorney General” in the first line. ^{*Fire Marshals Act, s. 4 (4), amended*}

97.—(1) Clause *e* of section 1 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, is repealed. ^{*Police Act, amended*}

(2) The said Act is amended by striking out “Minister” wherever it occurs and inserting in lieu thereof in each instance “Solicitor General”. ^{*Act, amended*}

98.—(1) Subsection 4 of section 21 of *The Private Investigators and Security Guards Act*, being chapter 362 of the Revised Statutes of Ontario, 1970, is amended by striking out “Minister of Justice and Attorney General” in the first line and inserting in lieu thereof “Solicitor General”. ^{*Private Investigators and Security Guards Act, s. 21 (4), amended*}

(2) Subsection 3 of section 32 of the said Act is amended by striking out “Minister of Justice and Attorney General” in the second and third lines and inserting in lieu thereof “Solicitor General”. ^{*s. 32 (3), amended*}

99.—(1) Clause *a* of subsection 1 of section 2 of *The Public Works Protection Act*, being chapter 395 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{*Public Works Protection Act, s. 2 (1) (a), re-enacted*}

(a) the Solicitor General.

(2) Subsection 3 of the said section 2 is amended by striking out “Minister of Justice and Attorney General” in the second line and inserting in lieu thereof “Solicitor General”. ^{*s. 2 (3), amended*}

PART XVIII

MINISTRY OF TRANSPORTATION
AND COMMUNICATIONS

*Department
of Transporta-
tion and
Communica-
tions Act,
s. 2 (1),
re-enacted*

100.—(1) Subsection 1 of section 2 of *The Department of Transportation and Communications Act, 1971*, being chapter 13, is repealed and the following substituted therefor:

Department
continued

- (1) The department of the public service known as the Department of Transportation and Communications, having been formed by the amalgamation of the Department of Highways and the Department of Transport, is continued under the name of the Ministry of Transportation and Communications.

s. 5,
re-enacted

- (2) Section 5 of the said Act is repealed and the following substituted therefor:

References
to Minister
and
Department

5. Any reference to the Minister or Deputy Minister of Highways or the Minister or Deputy Minister of Transport in any Act or regulation shall be deemed to be a reference to the Minister or Deputy Minister of Transportation and Communications, as the case may be, and any reference to the Department of Highways, the Department of Transport or the Department of Transportation and Communications in any Act or regulation shall be deemed to be a reference to the Ministry of Transportation and Communications.

s. 13,
amended

- (3) Section 13 of the said Act is amended by striking out "Department" in the first line and inserting in lieu thereof "Ministry".

*Ontario
Highway
Transport
Board Act,
s. 28,
re-enacted*

101. Section 28 of *The Ontario Highway Transport Board Act*, being chapter 316 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Annual
report

28. The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

*Ontario
Telephone
Develop-
ment Corpora-
tion Act,
s. 11 (2),
re-enacted*

102. Subsection 2 of section 11 of *The Ontario Telephone Development Corporation Act*, being chapter 330 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (2) The member of the Executive Council who is ^{Tabling} responsible for the administration of this Act shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

103. Section 24 of *The Telephone Act*, being chapter 457 of ^{Telephone Act,} the Revised Statutes of Ontario, 1970, is repealed and the ^{s. 24,} following substituted therefor: ^{re-enacted}

24. The Commission shall, after the close of each calendar ^{Annual} year, make an annual report upon the affairs of the Commission to the member of the Executive Council to whom the administration of this Act is assigned, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. ^{report}

PART XIX

MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

104.—(1) The title to *The Department of Municipal Affairs Act*, being chapter 118 of the Revised Statutes of Ontario, ^{Department of Municipal Affairs Act,} is repealed and the following substituted therefor: ^{title,} ^{re-enacted}

The Municipal Affairs Act

- (2) Clauses *b* and *c* of section 1 of the said Act are repealed ^{s. 1 (b),} and the following substituted therefor: ^{re-enacted;} ^{s. 1 (c),} ^{repealed}

(*b*) “Deputy Treasurer” means the Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs.

- (3) Clause *e* of the said section 1 is repealed and the ^{s. 1 (e),} following substituted therefor: ^{re-enacted}

(*e*) “Ministry” means the Ministry of Treasury, Economics and Intergovernmental Affairs.

- (4) The said section 1 is amended by adding thereto the ^{s. 1,} following clause: ^{amended}

(*h*) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

ss. 2-7,
repealed

(5) Sections 2, 3, 4, 5, 6 and 7 of the said Act are repealed.

References
to *Department of
Municipal
Affairs Act*

(6) Wherever *The Department of Municipal Affairs Act* is referred to in any Act or regulation, it shall be deemed to be a reference to *The Municipal Affairs Act*.

*Financial
Administration
Act*,
s. 1(e),
re-enacted

105.—(1) Clause *e* of section 1 of *The Financial Administration Act*, being chapter 166 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(e) “Deputy Treasurer” means the Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs.

s. 1(o),
re-enacted

(2) Clause *o* of the said section 1 is repealed and the following substituted therefor:

(o) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

ss. 6-10,
repealed

(3) The following sections of the said Act are repealed:

1. Sections 6, 7 and 8.
2. Section 9, as amended by the Statutes of Ontario, 1971, chapter 55, section 1.
3. Sections 9*a*, 9*b*, 9*c*, 9*d*, 9*e*, 9*f*, 9*g*, 9*h* and 9*i*, as enacted by the Statutes of Ontario, 1971, chapter 55, section 2.
4. Section 10.

*Income Tax
Act*,
s. 1(1),
par. 29,
amended

106. Paragraph 29 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by inserting after “Economics” in the second line “and Intergovernmental Affairs”.

*Public
Service
Act*,
s. 3,
amended

107. Section 3 of *The Public Service Act*, being chapter 386 of the Revised Statutes of Ontario, 1970, is amended by striking out “and the staff of the Commission constitutes the Department of Civil Service” in the second and third lines.

PART XX

MISCELLANEOUS

108. *The Department of the Provincial Secretary and Citizen-ship Act*, being chapter 121 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

109.—(1) This Act, except subsection 2 of section 2 of ^{Commence-}*The Executive Council Act*, as enacted by subsection 1 of section 3, subsection 3 of section 3 and section 4 shall be deemed to have come into force on the 1st day of April, 1972. ^{ment}

(2) Subsection 2 of section 2 of *The Executive Council Act*, ^{Idem} as enacted by subsection 1 of section 3, subsection 3 of section 3 and section 4 shall be deemed to have come into force on the 1st day of February, 1972.

110. This Act may be cited as *The Government Reorganization Act*, 1972. ^{Short title}

An Act to provide for the Reorganization
of the Government of Ontario

1st Reading

March 17th, 1972

2nd Reading

March 30th, 1972

3rd Reading

March 30th, 1972

THE HON. W. G. DAVIS
Premier

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to establish
the Ministry of the Solicitor General**

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes the new Ministry of the Solicitor General and indicates the statutes for which he will be responsible.

BILL 28

1972

An Act to establish the Ministry of the Solicitor General

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Ministry" means the Ministry of the ^{Interpre-}
Solicitor General. ^{tation}

2.—(1) There shall be a ministry of the public service to ^{Ministry}
be known as the Ministry of the Solicitor General. ^{established}

(2) The Solicitor General shall preside over and have charge ^{Solicitor}
of the Ministry. ^{General to}
^{have charge}

3.—(1) The Lieutenant Governor in Council may appoint ^{Deputy}
a Deputy Solicitor General who shall be the deputy head ^{Solicitor}
of the Ministry. ^{General}

(2) Such officers, clerks and servants may be appointed ^{Staff}
under *The Public Service Act* as are required from time to ^{R.S.O. 1970,}
time for the proper conduct of the business of the Ministry. ^{c. 386}

4. The moneys required for the purposes of the Ministry ^{Moneys}
shall be paid out of the moneys appropriated therefor by ^{required by}
the Legislature. ^{Ministry}

5. The Solicitor General is responsible for the administration ^{Duties of}
of this Act, any Acts that are assigned to him by the ^{Solicitor}
Legislature or by the Lieutenant Governor in Council and the ^{General}
following Acts:

- | | |
|---------------------------------------|------------------------|
| 1. <i>The Anatomy Act.</i> | R.S.O. 1970,
c. 21 |
| 2. <i>The Coroners Act.</i> | R.S.O. 1970,
c. 87 |
| 3. <i>The Emergency Measures Act.</i> | R.S.O. 1970,
c. 145 |

R.S.O. 1970,
c. 168

4. *The Fire Accidents Act.*

R.S.O. 1970,
c. 169

5. *The Fire Departments Act.*

R.S.O. 1970,
c. 170

6. *The Fire Fighters' Exemption Act.*

R.S.O. 1970,
c. 172

7. *The Fire Marshals Act.*

1971, c. 41

8. *The Hotel Fire Safety Act, 1971.*

R.S.O. 1970,
c. 245

9. *The Lightning Rods Act.*

R.S.O. 1970,
c. 351

10. *The Police Act.*

R.S.O. 1970,
c. 362

11. *The Private Investigators and Security Guards Act.*

R.S.O. 1970,
c. 395

12. *The Public Works Protection Act.*

Annual
report

6. The Solicitor General, after the close of each year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

7. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

8. This Act may be cited as *The Ministry of the Solicitor General Act, 1972.*

An Act to establish the Ministry
of the Solicitor General

1st Reading

March 17th, 1972

2nd Reading

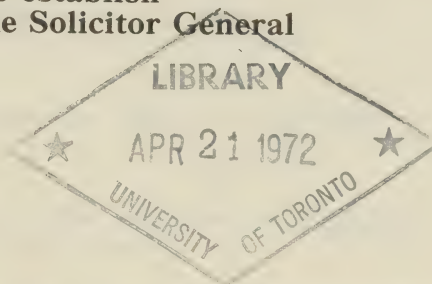
3rd Reading

THE HON. W. G. DAVIS
Premier

(*Government Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to establish
the Ministry of the Solicitor General**



THE HON. W. G. DAVIS
Premier

BILL 28

1972

An Act to establish the Ministry of the Solicitor General

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Ministry" means the Ministry of the ^{Interpre-}
Solicitor General. ^{tation}

2.—(1) There shall be a ministry of the public service to ^{Ministry}
be known as the Ministry of the Solicitor General. ^{established}

(2) The Solicitor General shall preside over and have charge ^{Solicitor}
of the Ministry. ^{General to}
^{have charge}

3.—(1) The Lieutenant Governor in Council may appoint ^{Deputy}
a Deputy Solicitor General who shall be the deputy head ^{Solicitor}
of the Ministry. ^{General}

(2) Such officers, clerks and servants may be appointed ^{Staff}
under *The Public Service Act* as are required from time to ^{R.S.O. 1970,}
time for the proper conduct of the business of the Ministry. ^{c. 386}

4. The moneys required for the purposes of the Ministry ^{Moneys}
shall be paid out of the moneys appropriated therefor by ^{required by}
the Legislature. ^{Ministry}

5. The Solicitor General is responsible for the administration ^{Duties of}
of this Act, any Acts that are assigned to him by the ^{Solicitor}
Legislature or by the Lieutenant Governor in Council and the ^{General}
following Acts:

- | | |
|---------------------------------------|------------------------|
| 1. <i>The Anatomy Act.</i> | R.S.O. 1970,
c. 21 |
| 2. <i>The Coroners Act.</i> | R.S.O. 1970,
c. 87 |
| 3. <i>The Emergency Measures Act.</i> | R.S.O. 1970,
c. 145 |

R.S.O. 1970,
c. 168

4. *The Fire Accidents Act.*

R.S.O. 1970,
c. 169

5. *The Fire Departments Act.*

R.S.O. 1970,
c. 170

6. *The Fire Fighters' Exemption Act.*

R.S.O. 1970,
c. 172

7. *The Fire Marshals Act.*

1971, c. 41

8. *The Hotel Fire Safety Act, 1971.*

R.S.O. 1970,
c. 245

9. *The Lightning Rods Act.*

R.S.O. 1970,
c. 351

10. *The Police Act.*

R.S.O. 1970,
c. 362

11. *The Private Investigators and Security Guards Act.*

R.S.O. 1970,
c. 395

12. *The Public Works Protection Act.*

Annual
report

6. The Solicitor General, after the close of each year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

7. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

8. This Act may be cited as *The Ministry of the Solicitor General Act, 1972.*

An Act to establish the Ministry
of the Solicitor General

1st Reading

March 17th, 1972

2nd Reading

April 6th, 1972

3rd Reading

April 7th, 1972

THE HON. W. G. DAVIS
Premier

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to establish the Ministry of Treasury,
Economics and Intergovernmental Affairs**

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes the new Ministry of Treasury, Economics and Intergovernmental Affairs, which includes the former Departments of Treasury and Economics and Municipal Affairs.

An Act to establish the Ministry of Treasury, Economics and Intergovernmental Affairs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "appropriation" means an authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer or in the name of any agency of the Crown approved by the Lieutenant Governor in Council;
- (c) "Deputy Treasurer" means the Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs;
- (d) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (e) "minister" means a member of the Executive Council;
- (f) "ministry" means a ministry of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (g) "municipality" means the corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;

(h) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,

- (i) special funds of Ontario and the income and revenue therefrom,
 - (ii) revenues of Ontario,
 - (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and
 - (iv) money paid to Ontario for a special purpose ;
- (i) "public officer" includes a minister and a person employed in a ministry ;
- (j) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Departments
continued as
Ministry of
Treasury,
Economics
and Inter-
governmental
Affairs

2. The departments of the public service known as the Department of Treasury and Economics and the Department of Municipal Affairs are amalgamated and continued as one ministry to be known as the Ministry of Treasury, Economics and Intergovernmental Affairs.

Treasurer

3. The Treasurer shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Duties of
Treasurer

4.—(1) The Treasurer shall direct and control the Ministry of Treasury, Economics and Intergovernmental Affairs, recommend to the Executive Council financial, economic, accounting and taxation policy, advise on intergovernmental affairs, supervise, direct and control all financial, economic, statistical and accounting functions and manage the Consolidated Revenue Fund and all public money.

Idem

(2) The Treasurer shall exercise general oversight over municipal institutions and their administration and such special oversight and powers in relation thereto as are provided in or under the authority of this or any other general or special Act, but nothing herein shall be deemed to divest the Ontario Municipal Board of any jurisdiction or powers conferred on it by this or any other Act.

Administra-
tion of Act

(3) The Treasurer is responsible for the administration of this Act and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

5.—(1) The Lieutenant Governor in Council shall appoint ^{Deputy Treasurer} a Deputy Treasurer and Deputy Minister of Economics and Intergovernmental Affairs to be the deputy head of the Ministry of Treasury, Economics and Intergovernmental Affairs.

(2) Under the direction of the Treasurer, the Deputy ^{Duties of Deputy Treasurer} Treasurer shall perform such duties as the Treasurer may assign or delegate to him.

(3) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him to the Deputy ^{Delegation of powers and duties of Treasurer} Treasurer or to any officer of the Ministry of Treasury, Economics and Intergovernmental Affairs who may act for him in his place and stead, and when the Deputy Treasurer or such other officer acts in the place and stead of the Treasurer, it shall be presumed conclusively that he acted in accordance with such delegation.

6. The responsibility for the conduct of the financial business ^{Responsibility with head of ministry} of each ministry shall rest with the head of the ministry, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper officers of the ministry.

7. The Treasurer may make such recommendations to the ^{Treasurer may recommend standards} Management Board of Cabinet as he considers appropriate with respect to accounting controls and accounting standards to be attained by a ministry prior to the application of section 8 and to be maintained by a ministry.

8. The Lieutenant Governor in Council, on the recom- ^{Application of Audit Act} mendation of the Treasurer and with the concurrence of the Management Board of Cabinet, may designate the ministries to which sections 6, 7, 8, 10, 15 and clause *ca* of subsection 1 of section 20 of *The Audit Act* shall not apply.

R.S.O. 1970,
c. 36

9.—(1) The certificate or order of the Attorney General or ^{Payment for special cases} Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate
of Attorney
General or
Deputy
Attorney
General

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination.

Issue of
cheques may
be withheld

10.—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference
to Manage-
ment Board
of Cabinet

(2) When the issue of a cheque has been withheld under subsection 1, the Treasurer or the minister responsible may refer the matter to the Management Board of Cabinet for determination.

Information
and access
to records

11. Every ministry of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the ministry and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians.

Fiscal year

12.—(1) The Public Accounts shall cover the fiscal year.

Estimates

(2) All estimates submitted to the Legislature shall be for services coming in course of payment during the fiscal year.

Lapse of
appropria-
tions

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year.

Preparation
of Public
Accounts

13. The Public Accounts for the 1971-72 fiscal year and subsequent years shall be prepared under the direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year.

14. Notwithstanding anything in this Act, whenever the ^{Payments authorized by Assembly} Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in.

15. Every person who is to examine the accounts or ^{Oath of secrecy} inquire into the affairs of any ministry pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that ministry.

16. For any of the purposes of the Ministry or of any Act ^{Powers of inquiry} or regulation that it administers, the Deputy Treasurer and such of the officers of the Ministry as are authorized by the Lieutenant Governor in Council have the powers of a commission under Part II of *The Public Inquiries Act, 1971*, c. 49 which Part applies to any investigation, inquiry or matter in relation to which the powers are exercised as if it were an inquiry under such Part.

17.—(1) A reference to the Minister of Municipal Affairs or ^{References to Minister of Municipal Affairs and Treasurer} the Treasurer of Ontario and Minister of Economics in any Act or regulation shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

(2) A reference to the Department of Municipal Affairs or ^{References to Dept. of Municipal Affairs and Dept. of Treasury and Economics} the Department of Treasury and Economics in any Act or regulation shall be deemed to be a reference to the Ministry of Treasury, Economics and Intergovernmental Affairs.

18. This Act shall be deemed to have come into force on the ^{Commencement} 1st day of April, 1972.

19. This Act may be cited as *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*. ^{Short title}

An Act to establish
the Ministry of Treasury, Economics
and Intergovernmental Affairs

1st Reading

March 17th, 1972

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

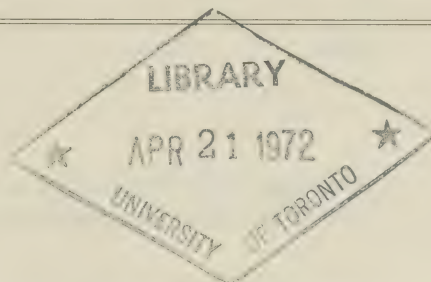
(Government Bill)

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Government
Publications

BILL 29

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to establish the Ministry of Treasury, Economics and Intergovernmental Affairs

THE HON. W. G. DAVIS
Premier

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to establish the Ministry of Treasury, Economics and Intergovernmental Affairs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “appropriation” means an authority to pay money out of the Consolidated Revenue Fund;
- (b) “Consolidated Revenue Fund” means the aggregate of all public moneys that are on deposit at the credit of the Treasurer or in the name of any agency of the Crown approved by the Lieutenant Governor in Council;
- (c) “Deputy Treasurer” means the Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs;
- (d) “fiscal year” means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (e) “minister” means a member of the Executive Council;
- (f) “ministry” means a ministry of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (g) “municipality” means the corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;

(h) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,

(i) special funds of Ontario and the income and revenue therefrom,

(ii) revenues of Ontario,

(iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and

(iv) money paid to Ontario for a special purpose;

(i) "public officer" includes a minister and a person employed in a ministry;

(j) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Departments
continued as
Ministry of
Treasury,
Economics
and Inter-
governmental
Affairs

2. The departments of the public service known as the Department of Treasury and Economics and the Department of Municipal Affairs are amalgamated and continued as one ministry to be known as the Ministry of Treasury, Economics and Intergovernmental Affairs.

Treasurer

3. The Treasurer shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Duties of
Treasurer

4.—(1) The Treasurer shall direct and control the Ministry of Treasury, Economics and Intergovernmental Affairs, recommend to the Executive Council financial, economic, accounting and taxation policy, advise on intergovernmental affairs, supervise, direct and control all financial, economic, statistical and accounting functions and manage the Consolidated Revenue Fund and all public money.

Idem

(2) The Treasurer shall exercise general oversight over municipal institutions and their administration and such special oversight and powers in relation thereto as are provided in or under the authority of this or any other general or special Act, but nothing herein shall be deemed to divest the Ontario Municipal Board of any jurisdiction or powers conferred on it by this or any other Act.

Administra-
tion of Act

(3) The Treasurer is responsible for the administration of this Act and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs to be the deputy head of the Ministry of Treasury, Economics and Intergovernmental Affairs. Deputy Treasurer

(2) Under the direction of the Treasurer, the Deputy Treasurer shall perform such duties as the Treasurer may assign or delegate to him. Duties of Deputy Treasurer

(3) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him to the Deputy Treasurer or to any officer of the Ministry of Treasury, Economics and Intergovernmental Affairs who may act for him in his place and stead, and when the Deputy Treasurer or such other officer acts in the place and stead of the Treasurer, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation of powers and duties of Treasurer

6. The responsibility for the conduct of the financial business of each ministry shall rest with the head of the ministry, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper officers of the ministry. Responsibility with head of ministry

7. The Treasurer may make such recommendations to the Management Board of Cabinet as he considers appropriate with respect to accounting controls and accounting standards to be attained by a ministry prior to the application of section 8 and to be maintained by a ministry. Treasurer may recommend standards

8. The Lieutenant Governor in Council, on the recommendation of the Treasurer and with the concurrence of the Management Board of Cabinet, may designate the ministries to which sections 6, 7, 8, 10, 15 and clause *ca* of subsection 1 of section 20 of *The Audit Act* shall not apply. Application of Audit Act

R.S.O. 1970
c. 36

9.—(1) The certificate or order of the Attorney General or Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person. Payment for special cases

Certificate
of Attorney
General or
Deputy
Attorney
General

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination.

Issue of
cheques may
be withheld

10.—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference
to Manage-
ment Board
of Cabinet

(2) When the issue of a cheque has been withheld under subsection 1, the Treasurer or the minister responsible may refer the matter to the Management Board of Cabinet for determination.

Information
and access
to records

11. Every ministry of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the ministry and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians.

Fiscal year

12.—(1) The Public Accounts shall cover the fiscal year.

Estimates

(2) All estimates submitted to the Legislature shall be for services coming in course of payment during the fiscal year.

Lapse of
appropria-
tions

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year.

Preparation
of Public
Accounts

13. The Public Accounts for the 1971-72 fiscal year and subsequent years shall be prepared under the direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year.

14. Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in.

15. Every person who is to examine the accounts or inquire into the affairs of any ministry pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that ministry.

16. For any of the purposes of the Ministry or of any Act or regulation that it administers, the Deputy Treasurer and such of the officers of the Ministry as are authorized by the Lieutenant Governor in Council have the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to any investigation, inquiry or matter in relation to which the powers are exercised as if it were an inquiry under such Part.

17.—(1) A reference to the Minister of Municipal Affairs or the Treasurer of Ontario and Minister of Economics in any Act or regulation shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

(2) A reference to the Department of Municipal Affairs or the Department of Treasury and Economics in any Act or regulation shall be deemed to be a reference to the Ministry of Treasury, Economics and Intergovernmental Affairs.

18. This Act shall be deemed to have come into force on the 1st day of April, 1972.

19. This Act may be cited as *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*.

An Act to establish
the Ministry of Treasury, Economics
and Intergovernmental Affairs

1st Reading

March 17th, 1972

2nd Reading

April 6th, 1972

3rd Reading

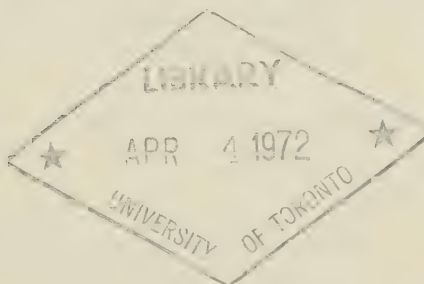
April 7th, 1972

THE HON. W. G. DAVIS
Premier

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to establish the Ministry of Natural Resources

THE HON. W. G. DAVIS
Premier



EXPLANATORY NOTE

The Bill establishes the new Ministry of Natural Resources, which includes the former Departments of Lands and Forests and Mines and Northern Affairs.

BILL 30

1972

An Act to establish the Ministry of Natural Resources

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (b) "Minister" means the Minister of Natural Resources;
- (c) "Ministry" means the Ministry of Natural Resources.

2. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

3. The departments of the public service known as the Department of Lands and Forests and the Department of Mines and Northern Affairs are amalgamated and continued as one ministry to be known as the Ministry of Natural Resources.

Departments
continued as
Ministry

4. The Minister shall preside over and have charge of the Ministry.

Minister to
have charge

5.—(1) There shall be,

Staff

- (a) a Deputy Minister of Natural Resources who shall be the deputy head of the Ministry;
- (b) a Surveyor General who shall be appointed by the Lieutenant Governor in Council and who shall perform such duties in connection with the surveying of lands, investigation of water powers, engineering, inspection, research and such other matters as are assigned to him by the Lieutenant Governor in Council or by the Minister.

Idem (2) Such officers, clerks and servants as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

Protection from personal liability (3) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Mining Commissioner under *The Mining Act*, or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

R.S.O. 1970,
c. 274

Liability of Crown liability (4) Subsection 3 does not, by reason of subsections 2 and 4 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 3 had not been enacted.

R.S.O. 1970,
c. 365

Delegation of powers and duties 6.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Enforcement of contracts (2) Contracts and title documents respecting any matter under the administration or control of the Minister that are entered into by the Minister or by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown.

Seal 7.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem (2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

Officers authorized to take affidavits 8. Affidavits or statutory declarations required under any Act administered by the Minister or intended to be used in reference to any claim, business or transaction in the Ministry or in respect of which the Ministry is interested or which affects the revenue of Ontario, under the control of the Ministry, may be taken before any person having authority to administer oaths or before the clerk of any county or district court, or before the Minister or

Deputy Minister, or before any person appointed for that purpose by the Minister or Deputy Minister, or before an Ontario land surveyor appointed by the Minister or Deputy Minister to inquire into, take evidence in or report upon any matter pending in the Ministry.

9. A copy of an instrument made or issued under the hand of the Minister or Deputy Minister or of any officer of the Ministry under the authority of any Act administered by the Minister or under the authority of the regulations made under those Acts, purporting to be certified by the Minister, Deputy Minister or officer as a true copy of such instrument is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the instrument and its contents without proof of the signature or official position of the person purporting to have made the certificate.

Certified
copy of
instrument
to be
evidence

10. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

Advisory
committees

11. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report

12. A reference to the Minister or Deputy Minister of Lands and Forests or the Minister or Deputy Minister of Mines and Northern Affairs or to the Department of Lands and Forests or the Department of Mines and Northern Affairs in any Act, regulation or rule shall be deemed to be a reference to the Minister of Natural Resources, the Deputy Minister of Natural Resources or the Ministry of Natural Resources, as the case may be.

References
to Minister,
etc.

13.—(1) Where, on the date that this Act comes into force, the Minister of Lands and Forests or the Minister of Mines and Northern Affairs is a party to any action or proceeding before any court, board or other tribunal,

Application
to existing
proceedings

the Minister of Natural Resources shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Lands and Forests or the Minister of Mines and Northern Affairs, as the case may be.

Parties
to action

(2) Where, on the date that this Act comes into force, the Minister of the Environment or the Minister of Tourism and Information is a party to an action or proceeding respecting a matter administered on that date or thereafter by the Minister of Natural Resources before any court, board or tribunal, the Minister of Natural Resources shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of the Environment or the Minister of Tourism and Information as the case may be.

Reference to
Minister, etc.

14. A reference to the Minister or the Deputy Minister of Lands and Forests or the Minister or Deputy Minister of Mines or the Minister or Deputy Minister of Mines and Northern Affairs or the Department of Lands and Forests or the Department of Mines or the Department of Mines and Northern Affairs in any letters patent, deed, lease, licence of occupation, licence, permit, contract, judgment or order and any reference to the Minister or Deputy Minister of the Environment or the Department of the Environment or the Minister or Deputy Minister of Tourism and Information or the Department of Tourism and Information in any deed, lease, licence of occupation, licence, permit, contract, judgment or order respecting a matter administered by the Minister of Natural Resources on or after the day this Act comes into force shall be deemed to be a reference to the Minister or Deputy Minister of Natural Resources or the Ministry of Natural Resources, as the case may be.

Executing
title
documents,
licences,
contracts,
etc.

15. During the period of six months following the 31st day of March, 1972, any letters patent, deed, lease, licence of occupation, licence, permit, contract or order respecting any matter administered by the Minister may be executed by the Minister as the Minister of the Environment, the Minister of Lands and Forests, the Minister of Mines and Northern Affairs or the Minister of Tourism and Information or by the Deputy Minister as the Deputy Minister of the Environment, the Deputy Minister of Lands and Forests, the Deputy Minister of Mines and Northern Affairs, the Deputy Minister of Tourism and Information or the Deputy Provincial Secretary and such execution shall be fully effective as execution by the Minister or the Deputy Minister.

16. Section 47 of *The Crown Timber Act*, being chapter 102 of the Revised Statutes of Ontario, 1970, is repealed. *Crown Timber Act*, s. 47, repealed

17. Sections 4, 5, 6, 16, section 17 as amended by the Statutes of Ontario, 1971, Chapter 50, section 58, subsection 1, and section 19 of *The Mining Act*, being chapter 274 of the Revised Statutes of Ontario, 1970, are repealed. *Mining Act*, ss. 4, 5, 6, 16, 17 and 19, repealed

18. *The Ontario Parks Integration Board Act*, being chapter 327 of the Revised Statutes of Ontario, 1970, is repealed. *Ontario Parks Integration Board Act*, repealed

19. Sections 4, 5, 6, 10, 43 and 44 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, are repealed. *Public Lands Act*, ss. 4, 5, 6, 10, 43 and 44, repealed

20. Section 61 of *The Surveys Act*, being chapter 453 of the Revised Statutes of Ontario, 1970, is repealed. *Surveys Act*, s. 61, repealed

21. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commencement

22. This Act may be cited as *The Ministry of Natural Resources Act*, 1972. Short title

An Act to establish the
Ministry of Natural Resources

1st Reading

March 17th, 1972

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to establish the Ministry of Industry and Tourism

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes the new Ministry of Industry and Tourism, which includes the former Departments of Tourism and Information and Trade and Development.

BILL 31

1972

An Act to establish the Ministry of Industry and Tourism

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Minister" means the Minister of Industry and Tourism;

(b) "Ministry" means the Ministry of Industry and Tourism.

2.—(1) The departments of the public service known as the Department of Tourism and Information and the Department of Trade and Development are amalgamated and continued as one ministry to be known as the Ministry of Industry and Tourism.

Departments
continued
as
Ministry

(2) The Minister shall preside over and have charge of the Ministry and is responsible for the administration of this and such other Acts and regulations made thereunder as are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

3. The Minister shall,

Objectives
of Ministry

(a) cause the Ministry to stimulate employment and income opportunity through the effective development of industry, trade and tourism;

(b) promote the establishment, growth, efficiency and improvement of industry, trade and tourism in Ontario;

(c) develop and carry out such programs and activities as may be appropriate,

- (i) to assist the adaptation of industry to changing conditions in domestic and export markets, and to changes in the techniques of production and delivery of services,
- (ii) to identify and assist those industries that require special measures to develop an unrealized potential or to cope with exceptional problems of adjustments;
- (d) participate with other jurisdictions, with associations and organizations and with public and private enterprises with a view to formulate plans to create, assist and develop the human and material resources of Ontario;
- (e) encourage and promote improvement in the standards of accommodation, facilities and services offered to the travelling and vacationing public; and
- (f) publicize the tourist industry and the resources, attractions and advantages of Ontario.

Powers

4. The Minister may, in exercising his powers and carrying out his duties and functions under this Act,

- (a) consult with and organize conferences of representatives of industry, trade and tourism and labour, and also co-operate with federal, provincial and municipal authorities and other interested parties;
- (b) promote or conduct surveys and inquiries in matters of interest to industry and tourism;
- (c) encourage research for the advancement of industry and tourism;
- (d) collect and disseminate information on such aspects of the provincial economy as affect the development of industry and tourism; and
- (e) assist industry and tourism in any other manner considered to be proper.

Areas for
equalization
of industrial
opportunity

5.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may approve any area in Ontario that is considered to require assistance to attract industrial development as an area of equalization of industrial opportunity.

(2) The Minister shall,

Duties re
approved
areas

- (a) undertake research and make investigations respecting the areas of equalization of industrial opportunity; and
- (b) prepare and carry out such programs and projects to improve the economic development of areas of equalization of industrial opportunity as may be appropriate and that cannot suitably be undertaken by other ministries, branches or agencies of the Government of Ontario.

6. The expenses of the Ministry in carrying out its objectives shall be paid out of the moneys appropriated therefor by the Legislature.

Expenses of
Ministry

7.—(1) A reference in any Act or regulation to the Minister of Trade and Development or the Minister of Tourism and Information shall be deemed to be a reference to the Minister of Industry and Tourism.

References
to Minister

(2) A reference in any Act or regulation to *The Department of Trade and Development Act* or *The Department of Tourism and Information Act* shall be deemed to be a reference to this Act.

References
to Act
R.S.O. 1970,
cc. 123, 122

8. *The Department of Trade and Development Act*, being chapter 123 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 123,
repealed

9. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Commence-
ment

10. This Act may be cited as *The Ministry of Industry and Tourism Act, 1972*.

Short title

An Act to establish
the Ministry of Industry and Tourism

1st Reading

March 17th, 1972

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)

A20N
B
B 56

BILL 31

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to establish the Ministry of Industry and Tourism

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 31

1972

An Act to establish the Ministry of Industry and Tourism

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Industry and Tourism;
- (b) "Ministry" means the Ministry of Industry and Tourism.

2.—(1) The departments of the public service known as the Department of Tourism and Information and the Department of Trade and Development are amalgamated and continued as one ministry to be known as the Ministry of Industry and Tourism.

Departments
continued
as
Ministry

(2) The Minister shall preside over and have charge of the Ministry and is responsible for the administration of this and such other Acts and regulations made thereunder as are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

3. The Minister shall,

Objectives
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- (a) cause the Ministry to stimulate employment and income opportunity through the effective development of industry, trade and tourism;
- (b) promote the establishment, growth, efficiency and improvement of industry, trade and tourism in Ontario;
- (c) develop and carry out such programs and activities as may be appropriate,

- (i) to assist the adaptation of industry to changing conditions in domestic and export markets, and to changes in the techniques of production and delivery of services,
- (ii) to identify and assist those industries that require special measures to develop an unrealized potential or to cope with exceptional problems of adjustments;
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4. The Minister may, in exercising his powers and carrying out his duties and functions under this Act,

- (a) consult with and organize conferences of representatives of industry, trade and tourism and labour, and also co-operate with federal, provincial and municipal authorities and other interested parties;
- (b) promote or conduct surveys and inquiries in matters of interest to industry and tourism;
- (c) encourage research for the advancement of industry and tourism;
- (d) collect and disseminate information on such aspects of the provincial economy as affect the development of industry and tourism; and
- (e) assist industry and tourism in any other manner considered to be proper.

Areas for equalization of industrial opportunity

5.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may approve any area in Ontario that is considered to require assistance to attract industrial development as an area of equalization of industrial opportunity.

(2) The Minister shall,

Duties re
approved
areas

- (a) undertake research and make investigations respecting the areas of equalization of industrial opportunity; and
- (b) prepare and carry out such programs and projects to improve the economic development of areas of equalization of industrial opportunity as may be appropriate and that cannot suitably be undertaken by other ministries, branches or agencies of the Government of Ontario.

6. The expenses of the Ministry in carrying out its objectives shall be paid out of the moneys appropriated therefor by the Legislature. Expenses of
Ministry

7.—(1) A reference in any Act or regulation to the Minister of Trade and Development or the Minister of Tourism and Information shall be deemed to be a reference to the Minister of Industry and Tourism. References
to Minister

(2) A reference in any Act or regulation to *The Department of Trade and Development Act* or *The Department of Tourism and Information Act* shall be deemed to be a reference to this Act. References
to Act
R.S.O. 1970,
cc. 123, 122

8. *The Department of Trade and Development Act*, being chapter 123 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 123,
repealed

9. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commence-
ment

10. This Act may be cited as *The Ministry of Industry and Tourism Act, 1972*. Short title

**An Act to establish
the Ministry of Industry and Tourism**

1st Reading

March 17th, 1972

2nd Reading

April 6th, 1972

3rd Reading

April 7th, 1972

THE HON. W. G. DAVIS
Premier

BILL 32

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Real Estate and Business Brokers Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

These amendments extend the prospectus requirements which used to apply only to subdivision lots or units outside Ontario, so that they now apply to subdivision lots or units in the province as well.

BILL 32

1972

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 49 of *The Real Estate and Business Brokers Act*, being chapter 401 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) No person shall, in any capacity, trade in real estate, where the real estate is a lot or unit of land in a subdivision, until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof.

2. Subsection 1 of section 50 of the said Act is repealed and the following substituted therefor:

- (1) No person shall, either as a vendor or as a broker or salesman, enter into or negotiate any contract for the sale or lease of a lot or a unit of land in a subdivision unless,
- (a) a copy of the prospectus referred to in section 49 or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;
 - (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and
 - (c) he is a registered broker or the contract is negotiated by a registered broker.

s. 58,
re-enacted

3. Section 58 of the said Act is repealed and the following substituted therefor:

Approval of
advertisements

58. No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision until the advertisement has been approved by the Registrar.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1972*.

An Act to amend
The Real Estate and Business Brokers Act

1st Reading

March 17th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

2A20N
KB
-B56

Government
Publications

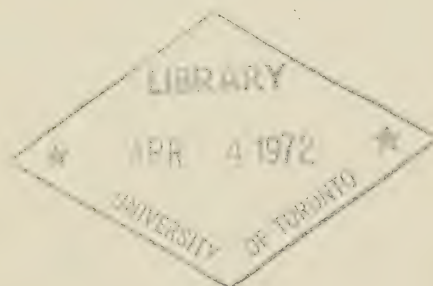
BILL 33

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Business Corporations Act

MR. DEACON



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to amend the grounds upon which a person is disqualified from acting as a director of a corporation.

BILL 33

1972

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 125 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (2) No mentally incompetent person or person detained in a penal institution pursuant to a conviction shall be a director, and, if a director becomes a mentally incompetent person or is detained in a penal institution pursuant to a conviction, he thereupon ceases to be a director.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Business Corporations Amendment Act, 1972*.

BILL 33

An Act to amend
The Business Corporations Act

1st Reading

March 17th, 1972

2nd Reading

3rd Reading

MR. DEACON

(Private Member's Bill)

BILL 34

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Historical Parks

THE HON. L. BERNIER
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Act provides for the establishment and management of historical parks.

BILL 34

1972

An Act respecting Historical Parks

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "Minister" means the Minister of Natural Resources;
 - (b) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
 - (c) "regulations" means the regulations made under this Act.
2. The Minister is responsible for the administration of this Act. Administra-
tion of Act
3. Land may be acquired under *The Public Works Act* for the purposes of this Act. Acquisition
of land
R.S.O. 1970,
c. 373
4. The Lieutenant Governor in Council may set apart as a historical park any public lands in which there is an object, site or land of historical significance for the use by the people of Ontario in connection with the enjoyment of such historical object, site or land. Designation
of historical
parks
5. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15a, 17, 18, 19 and 20 of *The Provincial Parks Act* apply *mutatis mutandis* to historical parks. Application
of
R.S.O. 1970,
c. 371,
ss. 6-15a,
17-20
6. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commence-
ment
7. This Act may be cited as *The Historical Parks Act, 1972*. Short title

BILL 34

An Act respecting
Historical Parks

1st Reading

March 27th, 1972

2nd Reading

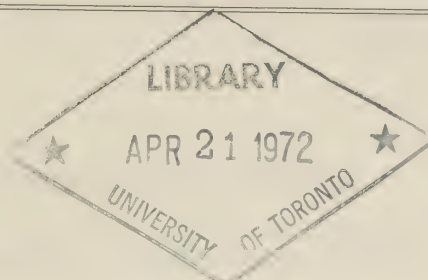
3rd Reading

THE HON. L. BERNIER
Minister of Lands and Forests

(Government Bill)

BILL 34

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting Historical Parks**

THE HON. L. BERNIER
Minister of Lands and Forests

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 34

1972

An Act respecting Historical Parks

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1. In this Act, Interpre-
tation
 - (a) "Minister" means the Minister of Natural Resources;
 - (b) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
 - (c) "regulations" means the regulations made under this Act.
2. The Minister is responsible for the administration of this Act. Administra-
tion of Act
3. Land may be acquired under *The Public Works Act* for the purposes of this Act. Acquisition
of land
R.S.O. 1970,
c. 373
4. The Lieutenant Governor in Council may set apart as a historical park any public lands in which there is an object, site or land of historical significance for the use by the people of Ontario in connection with the enjoyment of such historical object, site or land. Designation
of historical
parks
5. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15a, 17, 18, 19 and 20 of *The Provincial Parks Act* apply *mutatis mutandis* to historical parks. Application
of
R.S.O. 1970,
c. 371,
ss. 6-15a,
17-20
6. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commence-
ment
7. This Act may be cited as *The Historical Parks Act, 1972*. Short title

An Act respecting
Historical Parks

1st Reading

March 27th, 1972

2nd Reading

April 7th, 1972

3rd Reading

April 7th, 1972

THE HON. L. BERNIER
Minister of Lands and Forests

BILL 35**Private Member's Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the establishment of
Regional Transportation Authorities**

MRS. SCRIVENER



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to provide for the establishment of regional transportation authorities. These authorities will operate within designated regions and be responsible for studying the transportation requirements and co-ordinating the planning for all modes of public transportation within the regions.

BILL 35

1972

An Act to provide for the establishment of Regional Transportation Authorities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "authority" means a regional transportation planning and co-ordinating authority established under this Act;
- (b) "local transportation plan" means a plan to meet the transportation requirements of one or more areas within a transportation region;
- (c) "Minister" means the Minister of Transportation and Communications;
- (d) "regional transportation plan" means a plan to meet the transportation requirements of a region;
- (e) "transportation region" means the region over which an authority has jurisdiction.

2.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may establish a transportation planning and co-ordinating authority for any region in Ontario.

Establish-
ment of
authority

(2) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words "transportation authority".

Name of
authority

3.—(1) Where an authority is established under this Act, the Lieutenant Governor in Council shall designate the region over which the authority has jurisdiction.

Designation
of region

**Boundaries
of region**

(2) The boundaries of a region designated under subsection 1 need not coincide with any existing municipal or territorial boundaries but shall be such as will facilitate the carrying out of the function of the authority.

**Alteration
of boundary**

(3) The Lieutenant Governor in Council may, upon the recommendation of the Minister, alter a boundary designated under subsection 1.

**Function of
authority**

4. It is the function of an authority and it has power to,

- (a) study the transportation requirements of the transportation region;
- (b) develop a plan or plans to meet the transportation requirements of the transportation region;
- (c) provide supervisory direction and assistance to a municipality or municipalities and to any board or commission within the transportation region in developing and carrying into effect a plan or plans to meet the transportation requirements of the municipality;
- (d) co-ordinate the transportation planning of any one or more municipalities, boards or commissions with any one or more other municipalities, boards or commissions within the transportation region;
- (e) co-operate with and assist an authority in an adjoining region in developing and co-ordinating the transportation planning of both regions.

**Matters to be
considered
by an
authority**

5.—(1) In carrying out its function under this Act, an authority shall consider and develop plans for the development and co-ordination of all means of transportation within or into the region, including, without limiting the generality of the foregoing, the urban or interurban transportation of passengers by airplane, bus, railway, boat or other means as well as the stations, terminals, air and boat harbours and public parking areas to be used in connection therewith.

Idem

(2) An authority, in addition to considering the matters set out in subsection 1, shall also consider and endeavour to create plans for implementing the transportation requirements that are or will be created by an existing official plan or an existing regional plan for the development of any area within the transportation region.

6.—(1) Every authority shall be composed of the following ^{Composition of authority} members appointed by the Lieutenant Governor in Council upon the recommendation of the Minister:

1. Members or representatives, or both, of the council of any one or more municipalities within the transportation region.
2. Persons who reside within the transportation region.
3. Representatives of any organizations whose primary function is the study of any form of public transportation.
4. Any person who is generally recognized as an expert in the field of public transportation.

(2) The affairs of an authority shall be managed by not ^{Number of members} fewer than fifteen nor more than twenty-five members.

(3) On the first appointment of members not fewer than ^{First members} five members shall be appointed for a one-year term, not fewer than five members shall be appointed for a two-year term and not fewer than five members shall be appointed for a three-year term, and in each year thereafter not fewer than five members shall be appointed for a three-year term.

(4) The Lieutenant Governor in Council shall appoint one of ^{Chairman and vice-chairman} the members as chairman and another of the members as vice-chairman of the authority.

(5) The chairman of an authority shall preside at all meetings ^{Presiding officer} of the authority and if he is absent from the meeting the vice-chairman shall preside, and, in the absence of both of them, the members present at the meeting shall elect one of themselves to preside.

(6) An authority may make rules for the administration of ^{Procedure} its affairs and the carrying out of its function, including the fixing of a quorum of the authority.

(7) An authority may appoint committees from among its ^{Committees} members to act for the authority with respect to any matter or class of matters.

7. Every authority shall make a report annually to the ^{Annual report} Minister upon the affairs of the authority and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Regional Transportation Authorities Act, 1972*.

An Act to provide for the establishment
of Regional Transportation Authorities

1st Reading

March 27th, 1972

2nd Reading

3rd Reading

MRS. SCRIVENER

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

Governor
Publication

The Occupational Safety Act, 1972

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill replaces a series of Acts dealing with safety matters and brings the whole field of occupational safety under one statute.

The Ontario Safety Advisory Board replaces the present Labour Safety Council of Ontario, and is given expanded powers.

The Occupational Safety Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Safety Advisory Board;
- (b) "Department" means the Department of Labour;
- (c) "Minister" means the Minister of Labour.

2. This Act applies to every employee, employer and owner^{Application} and to every place of employment.

3. There shall be appointed such persons as are necessary^{Appointment} to administer the provisions of this Act and the regulations.

4. There shall be a board known as the "Ontario Safety^{Establish-}
Advisory Board" consisting of not fewer than three members,^{ment of}
one of whom shall be the chairman,^{board}

5. The Board shall,

Duties of
Board

- (a) advise the Minister on all matters pertaining to the administration of this Act;
- (b) examine the effectiveness of the legislation and recommend additions, deletions and amendments;
- (c) conduct public hearings and consider all views respecting proposed or existing safety standards; and
- (d) grant permission for an employer or employee to deviate from the standards in special circumstances under such conditions as the Board considers to provide a reasonable standard of safety under such circumstances.

Liability

6.—(1) Neither the members of the Board, any of its staff nor any officer of the Department is personally liable for anything done by it or by him under the authority of this Act.

Appoint-
ments

(2) The Minister may appoint such persons and committees as he considers necessary to assist the Board in carrying out its duties.

Appeal

(3) A person who believes a decision of the Board to be unjust may appeal in writing to the Minister within fifteen days of the date that the decision was announced, setting out his reasons for his belief, and, if the Minister considers the reasons to so warrant, he may direct the Board to hold additional hearings and review its decision in the light of the additional evidence presented.

Duties of
employer

7. Every person operating or carrying on a place of employment shall,

- (a) do so in a manner that will not endanger the safety or health of any person employed thereon or in connection therewith;
- (b) comply with this Act and the regulations;
- (c) adopt and carry out such procedures and techniques as will prevent or reduce the risk of injury to employees and other persons having access to the place of employment; and
- (d) ensure that the equipment, materials and safeguards prescribed by the regulations are provided and available.

Acts
endangering
safety
prohibited

8. No person shall,

- (a) endanger his safety or that of another person;
- (b) move, alter or destroy any safeguards, equipment or device furnished for protection, without the permission of the employer; or
- (c) use or operate any equipment, machine, device or thing in an unsafe manner.

When
machine,
etc., not to
be used

9. No person who has reasonable cause to believe that any machine, vehicle, tool, equipment, device or thing, or any part thereof, is unsafe or in contravention of this Act, or the regulations, shall use or operate or cause or permit it to be used or operated.

10. Non-compliance with a standard prescribed by the regulations shall be deemed to endanger the safety of persons in the place of employment except where alternative safeguards have been provided which the Board deems to be adequate for the purposes intended. ^{Non-compliance with regulations}

11. Where a person is killed or is critically injured, the employer shall immediately notify an officer of the Department by telephone, telegraph or in person of the occurrence and shall send him a written report of the occurrence. ^{Death or critical injury}

12. An officer who receives a notice under section 11 shall immediately upon receipt thereof, notify the Executive Director of Safety Services and forthwith investigate the circumstances of the occurrence. ^{Notification of accident}

13. Where a person is killed or is critically injured, no person shall, except for the purposes of, ^{Interference with wreckage, etc.}

- (a) saving life or relieving suffering; or
- (b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of, or connected with the occurrence until permission so to do has been given by an officer.

14. Section 13 does not apply where the occurrence was investigated by a constable or other police officer and the constable or other police officer is satisfied that such action will not be detrimental to further investigation by an officer of the Department. ^{Idem}

15. Subject to section 16, every person who contravenes any provision of this Act is guilty of an offence under this Act and on summary conviction is liable to a fine of not more than \$1,000 or imprisonment for a term of not more than twelve months or to both. ^{Offence}

16. Where a corporation is convicted of an offence under section 15, the maximum penalty that may be imposed is \$5,000. ^{Penalty}

17. The laying of a charge or a conviction under this Act shall in no way affect a decision of the Workmen's Compensation Board respecting the levy to be paid by the employer under *The Workmen's Compensation Act*. ^{Decision of Workmen's Compensation Board not affected R.S.O. 1970, c. 505}

Time limit
for
prosecution

18. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred.

Liability

19. Where there is an act or default that constitutes an offence under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer or owner, such person is liable to the same penalty or punishment as if he were the employer or owner.

Information

20. It is sufficient in an information for an offence under this Act or the regulations to name the employer or owner by stating the ostensible employer or owner, or the firm by which the employer or owner is usually known.

Fees

21.—(1) All fees collected under this Act and the regulations and all fines recovered for offences under this Act or the regulations shall be paid to the Treasurer of Ontario and form part of the Consolidated Revenue Fund.

Source of
funds

R.S.O. 1970,
c. 505

(2) Funds to provide for the administration of this Act and the regulations shall be obtained by a levy of 3 per cent on the moneys collected under *The Workmen's Compensation Act* and by such additional funds as are allocated by the Legislature.

Regulations

22.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the duties, qualifications and procedures of the Board and its staff;
- (b) prescribing the duties and qualifications of officers of the Department;
- (c) prescribing safeguards and inspection procedures for,
 - (i) elevating devices,
 - (ii) boilers and pressure vessels,
 - (iii) midway rides,
 - (iv) motor vehicle racing,
 - (v) any matter, device or thing to be used in a place of employment,
 - (vi) places of employment;

- (d) prescribing codes which are considered to fulfil the intent of this Act and the regulations for the safety of any technical device to be used in a place of employment;
- (e) exempting any person or any class of persons from the application of the regulations, or of any of the provisions thereof;
- (f) prescribing forms and providing for their use, including the conditions under which they may be issued, suspended or cancelled;
- (g) providing for the submission of drawings and specifications of technical devices and structures covered by the regulations;
- (h) prescribing physical requirements and qualifications of persons who may be employed in a particular occupation;
- (i) prescribing the conditions under which a child may be employed or present in a place of employment;
- (j) prescribing the conditions under which the safety of persons is deemed to be endangered for the purposes of this Act;
- (k) prescribing the reports to be submitted to the Board or the Department or the Workmen's Compensation Board or other agency;
- (l) prohibiting employment or modifying or limiting the hours of employment of any person in connection with a place of employment;
- (m) prescribing the qualifications of persons required to perform specific tasks;
- (n) regulating or prohibiting the use of any machine, device or thing;
- (o) respecting the procedure for appealing from an officer's direction or for an exemption from a provision of the regulations.

23.—(1) *The Boilers and Pressure Vessels Act*, being chapter 47 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 47,
repealed

(2) *The Construction Hoists Act*, being chapter 80 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 80,
repealed

R.S.O. 1970,
c. 117, s. 10,
repealed

(3) Section 10 of *The Department of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 117, s. 11 (1),
repealed

(4) Subsection 1 of section 11 of *The Department of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 143,
repealed

(5) *The Elevators and Lifts Act*, being chapter 143 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 220,
repealed

(6) *The Industrial Safety Act*, being chapter 220 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 469,
repealed

(7) *The Trench Excavators' Protection Act*, being chapter 469 of the Revised Statutes of Ontario, 1970, is repealed.

Commence-
ment

24. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

25. This Act may be cited as *The Occupational Safety Act*, 1972.

The Occupational Safety Act, 1972

1st Reading

March 27th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Nursing Homes Act

MR. PATERSON

EXPLANATORY NOTE

The purpose of this Bill is to prevent the issuing of nursing home licences to persons who are not Canadian citizens or to corporations that are not Canadian controlled.

BILL 37

1972

An Act to amend The Nursing Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5 of *The Nursing Homes Act*, being chapter 302 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 34, section 3, is amended by adding at the commencement thereof “Subject to subsection 3”.

(2) The said section 5, as re-enacted by the Statutes of Ontario, 1971, chapter 34, section 3, is amended by adding thereto the following subsection:

(3) On and after the date this subsection comes into force, the Director shall not issue a licence under this Act to a person who is not a Canadian citizen or to a corporation that is controlled directly or indirectly by persons who are not Canadian citizens.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Nursing Homes Amendment Act*, 1972.

An Act to amend
The Nursing Homes Act

1st Reading

March 28th, 1972

2nd Reading

3rd Reading

MR. PATERSON

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Child Welfare Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill prevents children leaving the Province for adoption unless adoption opportunities have been exhausted in Ontario and the adopting home meets Ontario standards.

BILL 38

1972

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

86a. A children's aid society shall not place a child for adoption and no interim custody order or adoption order shall be made where the adopting parents are ordinarily resident outside of Ontario unless,

- (a) the availability of the child for adoption has been advertised at least once each week for sixteen weeks in a newspaper having general circulation throughout Ontario and at least two months have elapsed since the sixteenth publication;
- (b) there is no prospect of adopting parents being found who are ordinarily resident in Ontario and otherwise qualified; and
- (c) the qualifications of the adopting parents have been investigated by the children's aid society personally by its own staff and meet the standards required for adoptions in Ontario.

2. Section 1 does not apply to adoption orders in respect of children placed for adoption before this Act comes into force.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Child Welfare Amendment Act, 1972*.

An Act to Amend
The Child Welfare Act

1st Reading

March 28th, 1972

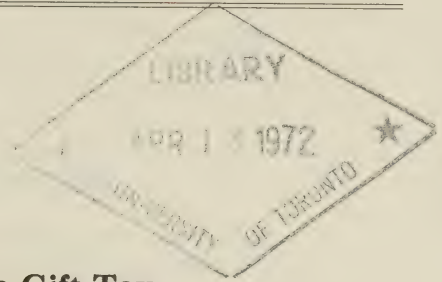
2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to impose a Gift Tax

THE HON. A. GROSSMAN
Minister of Revenue

EXPLANATORY NOTE

The purpose of this Bill is to impose a tax with respect to gifts made on or after January 1, 1972. The form of the Bill follows that of a model adopted by those provinces which will impose a similar tax commencing on that date. Since the tax will be collected by the federal government, all the provincial Acts are required to be the same *mutatis mutandis*. There is provision in the Bill for an agreement to be entered into with the federal government, subject to the approval of the Lieutenant Governor in Council, for the collection of the tax.

An Act to impose a Gift Tax

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Inter-
pretation

1. "aggregate taxable value" in relation to gifts made by a donor in a year, means the aggregate of the taxable value of each gift made by him in the year whether or not he was a resident of Ontario at the time he made the gifts;
2. "amount" means any money, right or thing expressed,
 - i. in the case of money in terms of the amount of money, or
 - ii. in the case of a right or thing, in terms of the value in terms of money of the right or thing;
3. "assessment" includes a reassessment;
4. "charitable organization" means,
 - i. an organization that, at the time a gift of which it is the donee is made, or within two years thereafter, is a registered Canadian charitable organization as that expression is defined in clause *c* of subsection 8 of section 110 of the *Income Tax Act* (Canada) other than a trust exempt from tax under Part I of that Act by clause *f* or *h* of subsection 1 of section 149 of that Act, and R.S.C. 1970,
c. 1-5
 - ii. an organization that, at the time a gift of which it is the donee is made, or within two years thereafter, is prescribed as a charitable organization under the regulations;

5. "common law wife" means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the making of a gift by a donor with whom she was residing, been publicly represented by the donor as his wife, and "common law husband" has a corresponding meaning;
6. "co-operating province" means another province of Canada that has been prescribed as a co-operating province under the regulations;
7. "corporation controlled by an individual" means a corporation that, at the time in respect of which the expression is being applied, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or of any other corporation or in any other manner whatever, by the individual or by any other person on behalf of the individual;
8. "disposition" includes any arrangement or ordering in the nature of a disposition, whether by one transaction or a number of transactions effected for the purpose, or in any other manner whatever;
9. "donee" means any person who receives or has received the benefit of a gift, including a gift deemed, for the purposes of this Act, to have been made;
10. "donor" means any individual who makes or has made a gift, including a gift deemed, for the purposes of this Act, to have been made;
11. "general power" includes any power or authority enabling the holder thereof either alone, or jointly with or with the consent of, any other person, to appoint, appropriate or dispose of property as he sees fit, whether exercisable by instrument *inter vivos* or by will, or both but does not include,
 - i. any power exercisable in a fiduciary capacity under a disposition not made by him except to the extent that, having regard to the fiduciary restrictions imposed upon him under the disposition, it is reasonable to regard the holder of the power as capable of conferring the property or any part thereof upon himself for his own benefit, or

- ii. any power exercisable as a mortgagee, or
 - iii. any power exercisable jointly with, or with the consent of, any other person,
 - (A) who has a substantial interest in the property to which the power relates, and
 - (B) whose interest in that property would be adversely affected by the exercise of the power in favour of the first-mentioned holder;
12. "gift" includes a transfer, assignment or other disposition of property, whether situated within or outside Ontario, by way of gift and, without limiting the generality of the foregoing, includes,
 - i. the creation of a trust of, or an interest in, property by way of gift, and
 - ii. a transaction or transactions whereby a person disposes of property directly or indirectly by way of gift;
 13. "individual" means a person other than a corporation;
 14. "interest in expectancy" includes an estate or interest in remainder or reversion and any other future interest whether vested or contingent, but does not include a reversion expectant on the determination of a lease;
 15. "Minister" means the Minister of Revenue;
 16. "municipality" means a corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes;
 17. "prescribed" in the case of a form or the information to be given on a form, means prescribed by the Minister, and, in any other case, means prescribed by the regulations;
 18. "property" means property of every description whatever, whether real or personal, movable or immovable, or corporeal or incorporeal, and, without

restricting the generality of the foregoing, includes any estate or interest in any such property, a right of any kind whatever and a chose in action;

19. "real property" includes any estate, interest or right to or in land, but does not include a mortgage secured by real property;
20. "regulations" means regulations made under this Act;
21. "resident" means a person who resides in Ontario at the time of the making or receiving of a gift in respect of which the residence of the person is material, but, where a person has more than one place of residence at that time, he shall not be regarded as residing within Ontario unless his principal residence is within Ontario, and "resident" where used in reference to a resident of another province, state or country, has a corresponding meaning in respect of that other province, state or country;
22. "settlement" includes,
 - i. any trust, whether expressed in writing or otherwise, in favour of any person, and, if contained in a deed or other instrument effecting the settlement, whether or not the deed or other instrument was made for valuable consideration as between the settlor and any other person, and
 - ii. any deed or other instrument under or by virtue of which a usufruct or substitution is created or any real property stands limited to any person by way of succession;
23. "shareholder" includes any person who is entitled to receive payment of a dividend from or in respect of a share in the capital stock of a corporation;
24. "spouse" includes a common law wife or common law husband;
25. "tax" means tax payable under this Act;
26. "taxable value", in relation to a gift, means,
 - i. in the case of a gift that is exempt from tax, nil, and

- ii. in any other case, the value of the gift minus any deductions therefrom permitted under this Act;

27. "value",

- i. in relation to any income, right, annuity, term of years, life or other similar estate or interest in expectancy, means the value thereof, before any allowance or deduction is made for or on account of income tax, ascertained in a manner and in accordance with rules and standards, including standards as to mortality and interest, prescribed by the regulations, and
- ii. in relation to any other property, means the fair market value of the property,

computed in each case as of the date on which the gift comprising the income, right, annuity, term of years, life or other similar estate, interest in expectancy or property is made without regard to any increase or decrease in the value after that date;

28. "year" means the calendar year.

2.—(1) For the purposes of this Act,

- (a) persons are connected by blood relationship if one is a lineal descendant of the other or one is the brother or sister of the other;
- (b) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other; and
- (c) persons are connected by adoption if one has been adopted as the child of the other or as the child of a person who is so connected by blood relationship (otherwise than as a brother or sister) to the other.

Persons
connected
by blood
relation-
ship, etc.

(2) A reference in this Act to "the part of any tax payable or tax otherwise payable that is applicable to any particular gift the taxable value of which is included in the aggregate taxable value of gifts made by the donor in a year" shall be construed as a reference to that part of the total tax payable by the donor on or in respect of gifts made in that year that bears the same proportion to the total

Reference
to tax
applicable
to any
property

tax so payable as the taxable value of that gift bears to the aggregate taxable value of all gifts made by the donor in that year.

Reference
to tax
otherwise
payable

(3) A reference in any provision of this Act to "tax otherwise payable" shall be construed as meaning the tax payable under this Act without giving effect or having regard to the provision in which the reference occurs.

Reference
to property
substituted

(4) For the purposes of this Act, a reference to "property substituted for any other property" refers to property acquired by one or more transactions effecting one or more substitutions.

Arm's length

(5) For the purposes of this Act, persons shall be deemed to be dealing at arm's length when each stands upon the strict letter of his rights and conducts his business in a formal manner without trusting to the other's fairness or integrity and without being subject to the other's control or overmastering influence.

Deemed
gifts

3. For the purposes of this Act, a person shall be deemed to make a gift in a taxation year where, in the year and otherwise than by his will, he,

(a) transfers or settles property, except a right under a marriage contract, to or upon any person,

(i) in consideration of marriage, or

(ii) on account or in satisfaction of, an obligation assumed by him in consideration of marriage; or

(b) disposes of property to any person, other than property disposed of to a corporation licensed or otherwise authorized under the laws of Canada or a province of Canada to carry on in Canada an annuities business, under an arrangement made in the ordinary course of a business carried on by that corporation, under an arrangement or understanding whereby the person to whom the disposition is made undertakes to purchase or provide for or for the use or benefit of the individual an annuity or other periodic payment for life or any other period determinable by reference to death; or

(c) exercises, whether partially or completely, any general power of which he was the donee or other holder; or

- (d) confers a benefit by disposing of a right to restore to himself or to reclaim any property; or
- (e) directs or concurs in the payment or transfer of property to another person as a benefit that the individual desired to have conferred on that other person to the extent that, for the purposes of the *Income Tax Act* (Canada), the payment or transfer would, by virtue of subsection 2 of section 56 of that Act, have been included in the income of the individual for that year if the payment or transfer of the property had been made to the individual; or
- (f) disposes of any right to income, or other benefit retained in property which has previously been disposed of by him by gift *inter vivos* or in property substituted for any of the property comprising the gift.

4.—(1) A debt or other right that, by virtue of the operation of any statute or law limiting the time for bringing action thereon, became unenforceable by a person as against any other person or property of any other person with whom, at the time the debt or right became unenforceable, he was not dealing at arm's length, shall, to the extent of the value of the debt or right immediately before becoming unenforceable, determined without reference to the effect of the statute or law, be deemed to be property disposed of by the first-mentioned person under a disposition operating as an immediate gift made to that other person at the time the debt or right became unenforceable, unless the debt or right is paid, honoured or acknowledged before, or within ninety days after, the date on which any assessment of tax in respect thereof is sent under section 23.

(2) For the purposes of this Act,

- (a) the artificial creation by an individual or with his consent of a debt or other right enforceable against him personally or against property of which he was or might be compentent to dispose, or to charge or burden for his own benefit, shall be deemed to be a gift made by that individual at the time of the creation of the debt or right, and, the value of the gift is the value of the benefit conferred by the creation of the debt or right; and
- (b) the extinguishment by an individual or with his consent, of a debt or other right enforceable by him shall be deemed to be a gift made by that individual

Deemed
gift where
debt
becomes
unenforce-
able

Creation or
extinguish-
ment of debts

immediately prior to the extinguishment of the debt or right, and, the value of the gift is the value of the benefit conferred by the extinguishment of the debt or right.

Expiry
of rights
to shares

(3) For the purposes of this Act, where an individual allows his rights to purchase shares in a corporation controlled, whether directly or indirectly and whether through holding a majority of shares of the corporation or any other corporation or in any other manner whatever, by him, or by one or more persons connected with him by blood relationship, marriage or adoption, or by him and such one or more persons, or by any other person on his or their behalf, to expire and thereby allows his interest in or control of the corporation to be reduced, the individual shall be deemed to have made a gift, to the extent that the value of his interest in or control of the corporation was reduced, to the other shareholders *pro rata* on the basis of their holdings of shares after the expiry of the right to purchase shares.

Indirect
gifts

5.—(1) For the purposes of this Act, where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatever is that an individual confers a benefit on another person, the individual shall be deemed to have made a gift to that other person equal to the amount of the benefit conferred notwithstanding the form or legal effect of the transactions or that one or more other persons were also parties thereto, and whether or not there was an intention to avoid or evade taxes under this Act.

Where
transaction
at arm's
length

(2) Where it is established that a sale, exchange or other transaction was entered into by persons dealing at arm's length, *bona fide* and not pursuant to, or as part of, any other transaction and not to effect payment, in whole or in part, of an existing or future obligation, no party thereto shall be regarded, for the purpose of subsection 1, as having conferred a benefit on a party with whom he was so dealing.

Gifts
through
corporations

(3) For the purposes of this Act, a gift made by a corporation controlled by an individual to or for the benefit of a person connected with the individual by blood relationship, marriage or adoption shall be deemed to be a gift made by the individual, and he shall be deemed to be the donor of the gift and, in relation to the gift, any act or thing done or effected by the corporation shall be deemed to have been done or effected, in all respects as though the corporation were the individual.

6. For the purposes of this Act, where an individual makes a loan to, or disposes of property to, a person with whom he is not dealing at arm's length in consideration of a promise or covenant to pay money, with or without interest, at a time in the future, the value of the promise or covenant to pay shall be discounted at a rate of interest prescribed in the regulations. Promises to pay as consideration

7.—(1) An individual shall not be deemed to have made a gift in a taxation year by reason only of his having made, in that year, a marriage contract. Making of marriage contract

(2) An amount paid by an individual to his spouse who is living apart from the individual, or his former spouse, as or toward the maintenance of the spouse or former spouse shall be deemed not to be a gift to the spouse or former spouse if the amount is not excessive, having regard to the legal and moral obligations of a person to his spouse or former spouse, notwithstanding that the individual was not under any legal obligation to pay the amount. Payments to spouse

(3) Where property is acquired pursuant to a purchase made from an individual by a purchaser with whom the individual was not dealing at arm's length, for a consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, the individual shall be deemed not to have made a gift of that property to the purchaser unless the purchase was made otherwise than for full consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, in which case he shall be deemed to have made a gift of the property acquired to the extent that the value of the property so acquired exceeds the amount of the consideration actually so paid or agreed to be paid. Property disposed of for consideration

(4) For the purposes of subsection 3, where any property has been disposed of by an individual under an arrangement or understanding described in clause *b* of section 3, the property shall be deemed to have been acquired pursuant to a purchase made from the individual for a consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, but Annuity, etc., as consideration

(a) if the yearly amount of the annuity or other periodic payment referred to in clause *b* of section 3 does not exceed 5 per cent of the value of the property so disposed of, the amount of the consideration shall be deemed to be nil; and

(b) if the yearly amount of the annuity or other periodic payment exceeds 5 per cent of the value of the

property disposed of, the amount of the consideration shall be deemed to be that amount which is calculated in accordance with the formula set out in Schedule II.

Tax on
resident
donor

8.—(1) Subject as herein otherwise provided, where a resident makes gifts in any year, he shall pay tax in respect of the gifts made in that year calculated in accordance with Schedule I on the basis of the aggregate taxable value of gifts made by him in that year.

Tax on
gifts of
real
property

(2) Subject as herein otherwise provided, where a donor who is not a resident makes gifts in any year of real property situated within Ontario, tax calculated in accordance with Schedule I on the basis of the aggregate taxable value of gifts made in that year shall be paid on the subject-matter of the gifts.

Payment of
tax to
Minister

9. Each donor liable to pay tax under subsection 1 of section 8, and each donor of gifts of real property on which tax is payable under subsection 2 of section 8, shall pay the tax to the Treasurer of Ontario.

Exempt
gifts

10. The following gifts are exempt from tax under this Act,

- (a) a *donatio mortis causa*;
- (b) a testamentary gift or a gift made so that no person except the donor is entitled before the death of the donor to possess for his own benefit or for the benefit of any other person other than the donor any of the property or any property substituted for any of the property comprising the gift, or receive or otherwise obtain the use of any of the income therefrom;
- (c) an absolute and indefeasible gift to the Crown in right of Canada;
- (d) an absolute and indefeasible gift to the Crown in right of a province of Canada;
- (e) an absolute and indefeasible gift to a municipality in Canada;
- (f) an absolute and indefeasible gift to a charitable organization;
- (g) an absolute and indefeasible gift, except a gift made by the creation of a settlement or the transfer of property to a trust, made by the donor to his spouse.

Deductions
in computing
taxable
value

11.—(1) In computing the taxable value of a gift, except a gift made by the creation of a settlement or the transfer of

property to a trust, made by a donor in a year to a donee who is an individual, there may be deducted in the case of gifts made to persons, other than the spouse of the donor, the lesser of,

- (a) the value of the gift; or
- (b) the amount, if any, by which two thousand dollars exceeds the value of all other gifts, except gifts that are exempt from tax under this Act and gifts made by the creation of a settlement or the transfer of property to a trust, made by the donor to the donee in the year and before the time when the gift was made,

but in any year not more than an aggregate of \$10,000 may be deducted under this section from the taxable value of gifts made by the donor in that year.

(2) Where, in any year, an individual made a gift by the creation of, or the transfer of property to, a trust, and

Gifts deemed not made by creation of trust

- (a) there is only one beneficiary under the trust, other than persons who may receive, use, or enjoy any of the properties subject to the trust or any of the income therefrom only in the event of the death of that beneficiary before attaining such age, not exceeding forty years, as is specified in the instrument creating the trust; and
- (b) that beneficiary was an individual who was living at the time when the gift was made,

the gift shall be deemed, for the purposes of subsection 1 only, not to be a gift made by the creation of, or the transfer of property to, a trust, and shall be deemed to be a gift to that beneficiary.

12. Where in any year a resident makes a gift of real property that is not situated within the Province of Ontario there shall be deducted from the tax otherwise payable by him on that property the lesser of,

Credit for gifts of real property outside Ontario

- (a) any tax otherwise payable under this Act on that real property; or
- (b) the amount of any gift tax payable on that real property under the laws of the jurisdiction in which the real property is situated.

No allowance
for income
taxes

13.—(1) For the purposes of this Act, in determining the value of a gift of any income right, annuity, term of years, life or other similar estate or interest in expectancy, no allowance or deduction shall be made for or on account of income tax that may be or become payable on or in respect thereof.

Where
income tax
not to be
considered

(2) Where a gift includes securities, or any business or any interest in any business, in valuing the security or the business or the interest in the business for the purposes of this Act, the fact that tax under the *Income Tax Act* (Canada) or any similar tax may be or become payable by reason of, or in respect of, the payment or distribution of any accumulated surplus or other property shall not be taken into consideration unless, and to the extent only that, the payment or distribution is necessary and made for the purpose of raising money to pay tax under this Act.

R.S.C. 1970,
c. I-5

Listed
securities

14.—(1) For the purposes of this Act, except as hereinafter otherwise provided, the value of any security that is listed on a stock exchange, or in the case of any security not so listed, on which a price or quotation is obtainable from a recognized financial journal or financial report or from a registered broker, shall be deemed to be the closing price or quotation of that security on the day as of which the value is required to be computed, or, if there was no closing price or quotation on that day, on the last preceding day on which there was a closing price or quotation.

Application

(2) Subsection 1 does not apply in determining the value of any security on which no closing price or quotation is obtainable as provided in subsection 1, or in determining the value of,

(a) any share in or in the capital stock of; or

(b) any other security in the nature of an interest in or right to any of the proceeds, profits, capital assets or other assets of,

any corporation, association, partnership or syndicate that, immediately prior to the making of a gift in respect of which the value is material, was controlled, whether through holding a majority of the shares thereof or other voting interest therein or in any other manner whatever, by the donor, by the donor and one or more persons connected with him by blood relationship, marriage or adoption, or by any other person on his or their behalf.

Definition
of security

(3) In this section, “security” includes a bond, debenture, guaranteed investment, share, stock, debenture stock, syn-

dicating unit, right to subscribe for or purchase shares or stocks and right to royalties, but does not include a mortgage or hypothec.

15.—(1) Where, immediately before the making of a gift of shares in the capital stock of a corporation by a donor, there belonged to the donor and one or more persons connected with him by blood relationship, marriage or adoption, or deemed to be connected with him by virtue of subsection 2, shares in the capital stock of the corporation sufficient in number to control the corporation, under such circumstances that the shares in the capital stock of the corporation that belonged to the donor alone were not sufficient in number to control the corporation, the value of the shares comprising the gift shall, unless it is established that the donor and such one or more other persons were persons dealing with each other at arm's length, be determined, for the purposes of this Act, as though each share comprising the gift formed part of a group of shares that, immediately before the making of the gift, belonged to the donor and were sufficient in number to control the corporation.

(2) For the purposes of subsection 1, a corporation, herein-after in this subsection called "the first corporation", that, immediately before the making of a gift, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the first corporation or of any other corporation, or in any other manner whatever,

- (a) by the donor; or
- (b) by one or more persons connected with the donor by blood relationship, marriage or adoption; or
- (c) by any other corporation that was, immediately before the making of the gift, controlled, whether directly or indirectly and whether through holding a majority of the shares of that other corporation or any other corporation, or in any other manner whatever, by the donor or by one or more persons connected with him by blood relationship, marriage or adoption, or by the donor and such one or more other persons or by any other person on his or their behalf; or
- (d) by the donor and such one or more other persons and corporations described in clause c, or by the donor and any combination of such persons and corporations, or by any other person for or on his or their behalf,

R.S.C. 1970,
c. I-5

and any subsidiary controlled corporation, as that expression is defined in subsection 1 of section 248 of the *Income Tax Act* (Canada), of the first corporation, shall be deemed to be a person connected with the donor.

Debts
owing by
certain
persons

16.—(1) Where, at the time of the making of a gift by a donor of a debt that was owing to the donor at that time, the debt was owing to him,

- (a) by any person connected with him by blood relationship, marriage or adoption; or
- (b) by any corporation that, at that time, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or of any other corporation or in any other manner whatever, by the donor, by one or more persons connected with him by blood relationship, marriage or adoption, by the donor and such one or more other persons, or by any other person on his or their behalf,

the value of the debt shall, unless it is established that at the time of the creation of the debt the donor and the debtor were persons dealing with each other at arm's length, be determined for the purposes of this Act as though the amount thereof outstanding at the time of the making of the gift had, at that time, become due and payable to him.

Debt
defined

(2) In this section, "debt" means a debt of any kind whatever, whether secured or unsecured, and whether under seal or otherwise, and includes a bill of exchange or promissory note, whether negotiable or otherwise.

Valuation
of deemed
gifts

17. The value of a gift deemed to be made under section 3 shall be deemed to be,

- (a) in the case of clause *a* of section 3, the value of the property transferred or settled at the time of the transfer or settlement;
- (b) in the case of clause *c* of section 3, the value, at the time of the exercise of the general power, of the benefit obtained by persons other than the grantor or the holder of the general power as a consequence of its exercise;
- (c) in the case of clause *d* of section 3, the value of the benefit referred to in that clause at the time of the disposition;

- (d) in the case of clause *e* of section 3, the amount or value of the payment or transfer to the extent referred to in that clause; and
- (e) in the case of clause *f* of section 3, the value, at the time of the disposition of the right to income or other benefit, of the property, including any property substituted for any of the property comprising the gift previously disposed of, minus the amount, if any, of the consideration received by him in respect of the disposition of the right to income or other benefit.

18.—(1) Every donor who makes a gift in any year, shall, ^{Returns} without any demand therefor, file with the Minister on or before the 30th day of April in the next succeeding year a return in the prescribed form.

(2) Whether or not he is liable to pay any tax under ^{Demand for return} this Act in respect of any gift, and whether or not a return has been filed under subsection 1, every person shall, on demand by registered letter from the Minister, file a return in the prescribed form with the Minister, within such time as is specified in the demand.

19. A return required under section 18 shall be in a form ^{Form of return} prescribed by the Minister and shall contain the information prescribed by the Minister.

20. Every person filing a return with the Minister under ^{Estimate of tax} this Act shall, in the return, estimate to the best of his knowledge and ability the amount of any tax payable under this Act on or in respect of gifts made by him in the year to which the return relates.

21.—(1) The Minister may, for any reason satisfactory to ^{Extension of time for filing return} him, extend for such reasonable time as is specified by him, the time for filing any return required under this Act to be filed with him.

(2) Where the Minister refuses to extend the time for ^{Appeal for extension of time} filing a return required to be filed by any person under this Act, or the person required to file a return under this Act is not satisfied with an extension of time granted by the Minister under subsection 1, the person required to file the return may apply to a judge of the Supreme Court to extend the time or to extend further the time, as the case may be, for filing the return, and the judge may, as he thinks reasonable,

(a) refuse to extend the time, or extend further the time, for filing the return; or

(b) extend the time, or extend further the time, for filing the return for such period as he may fix.

Failure
to file
return

(3) Every person required to file a return under section 18 who fails to file the return within the time fixed or allowed for the filing of the return is liable to a penalty, to be assessed by the Minister, not exceeding \$10 for each day during which the failure continues.

Assessment

22.—(1) The Minister shall examine each return filed with him and assess the amount of tax, interest and penalties, if any, payable under this Act on or in respect of the gifts to which the return relates.

Assessment
where no
return
filed

(2) Notwithstanding that a return has not been filed by a donor in respect of gifts made by him in any year, the Minister may assess the amount of tax, interest and penalty, if any, payable under this Act on or in respect of gifts made by the donor in that year.

Notice of
assessment

23.—(1) After making an assessment under section 22, the Minister shall send a notice of assessment to the donor, and, if a donee is liable to pay any tax on or in respect of any gift to which the assessment relates, to the donee.

Notice to
one donee

(2) Where the Minister sends a notice of assessment to one donee in respect of the tax payable on or in respect of a gift made jointly to two or more donees, the Minister shall be conclusively deemed to have sent a notice of assessment to each of the donees to whom the gift was made.

Effect of
assessment

24. Liability for tax under this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Reassessment

25.—(1) The Minister may, at any time, assess tax, interest or penalties payable under this Act on or in respect of gifts made by a donor in any year, or notify in writing any person by whom any return is filed that no tax is payable on or in respect of gifts made by a donor in any year, and may,

(a) at any time, if the person by whom any return is filed,

(i) has made any misrepresentation, that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in filing

any return or in supplying any information under this Act, or

- (ii) has filed with the Minister a waiver in prescribed form either before or within four years after the day of mailing of the notice of an original assessment or of a notification that no tax is payable under this Act on or in respect of gifts made by the donor in that year; and
- (b) in any other case within four years after the day of mailing the notice of the original assessment or of a notification that no tax is payable on or in respect of gifts made by a donor in that year,

reassess or make additional assessments, or assess tax, interest or penalties under this Act, as the circumstances require.

(2) Notwithstanding subsection 1, for the purposes of any reassessment, additional assessment, or assessment of tax, interest and penalties payable under this Act that is made under subsection 1 after the expiration of four years from the day referred to in subclause ii of clause *a* of subsection 1, there shall not be included in computing the aggregate taxable value of gifts made by a donor, or in computing the value of a gift to a donee, any amount that was not included for the purposes of an assessment of tax, interest and penalties that was made before the expiration of four years from that day and,

- (a) in respect of which the person liable to pay the tax, interest and penalties establishes that the failure so to include it did not result from any misrepresentation that is attributable to his neglect, carelessness or wilful default, or from any fraud committed by him, in filing a return or supplying any information under this Act; or
- (b) that the person establishes cannot reasonably be regarded as relating to a matter specified in a waiver filed by him with the Minister within the time referred to in subclause ii of clause *a* of subsection 1.

26. The Minister is not bound by a return or information supplied by or on behalf of any person and may, notwithstanding any returns or information supplied, or if no return has been filed, make the assessment contemplated under this Act.

27. An assessment shall, subject to being varied or vacated on an objection or appeal, if any, in accordance with this Act,

and subject to reassessment, be conclusively deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Objection to
assessment

28.—(1) Where a donor or donee objects to an assessment of the tax payable on or in respect of any gift made by a donor, he may, within ninety days after the day of mailing the notice of assessment sent by the Minister under section 23, serve on the Minister a notice of objection to the assessment in duplicate and in prescribed form, setting out the reasons for the objection and all facts relevant thereto.

Service of
notice

(2) A notice of objection under this section shall be served by registered mail addressed to the Minister.

Reconsidera-
tion

(3) Upon receiving a notice of objection, the Minister shall with all due dispatch reconsider the assessment to which the objection is made and vacate, confirm or vary the assessment or reassess, and the Minister shall thereupon, by registered mail, notify the person by whom the objection was taken of his action.

Validity
of reassess-
ment

29. A reassessment made by the Minister under section 28 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or of a notification described in section 25.

Appeal

30.—(1) Where a person has, under section 28, served on the Minister a notice of objection to an assessment, he may, after,

(a) the Minister has confirmed or varied the assessment or reassessed; or

(b) 180 days have elapsed after service of the notice of objection and the Minister has not notified him that he has vacated, confirmed or varied the assessment or has reassessed,

appeal the assessment or reassessment to the Supreme Court by way of originating notice of motion.

Time limit
for appeal

(2) Subject to section 32, no appeal under subsection 1 shall be instituted by any person after ninety days from the day notice was mailed to that person by the Minister under subsection 3 of section 28.

Powers of
court

(3) On an appeal under subsection 1, the court or a judge may set aside or vary the assessment in respect of which the appeal is instituted.

31. An assessment shall not be set aside or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act. ^{Irregularities}

32.—(1) Where no objection to an assessment under section 28, or appeal to the Supreme Court under section 30, has been made or instituted within the time limited by section 28 or 30, as the case may be, for doing so, an application may be made to a judge of the Supreme Court, with notice to the Minister, for an order extending the time within which a notice of objection may be served or an appeal instituted, and the judge may, if in his opinion the circumstances of the case are such that it is just and equitable to do so, make an order extending the time and may impose such terms and conditions as he deems just. ^{Application for extension of time}

(2) An application made under subsection 1 shall set out the reasons why it was not possible to serve the notice of objection or institute the appeal within the time otherwise limited by this Act for so doing. ^{Reasons for delay}

(3) No order shall be made under subsection 1 unless, ^{When order not to be made}

- (a) the application is made within one year of the expiration of the time for the extension of which the application is made;
- (b) a judge of the Supreme Court has not previously made an order extending the time; and
- (c) the judge hearing the application is satisfied that,
 - (i) but for the circumstances mentioned in subsection 1, an objection or appeal would have been made or instituted within the time limited,
 - (ii) the application was made as soon as circumstances permitted, and
 - (iii) there are reasonable grounds for objecting to or appealing from the assessment.

33. Liability to pay any tax within the time specified in this Act for payment thereof is not affected by the fact that an objection to or appeal from any assessment by the Minister is outstanding. ^{Effect of objection or appeal}

34.—(1) Where a donor fails to pay, as herein required, all or a portion of the tax payable by him on or in respect of gifts ^{Liability of donee for tax}

made by him in a year, in this section referred to as the "donor's tax for that year", each donee who received gifts from the donor in that year and who is a resident of Ontario at the time the gift was made is liable to pay to the Treasurer of Ontario within thirty days after the day of mailing a notice of assessment of the donor's tax for that year, tax in an amount that bears the same proportion to the donor's tax for that year as,

- (a) the taxable value of all gifts made to the donee in that year by the donor;

bears to

- (b) the sum of the donor's tax for that year and the aggregate taxable value of gifts made by the donor in that year, in this section referred to as the "donor's aggregate for that year".

Effect of
payment by
donee

(2) Where a donee makes a payment on account of the tax payable by him in respect of a gift made to him in a year, the liability of the donor of the gift for tax payable on or in respect of gifts made by him in that year is discharged by the amount that bears the same proportion to the payment made by the donee for that year as,

- (a) the donor's aggregate for that year;

bears to

- (b) the aggregate taxable value of gifts made by the donor in that year.

Effect of
payment
by donor

(3) Where a donor makes a payment on account of the donor's tax in that year, the liability of the donee of a gift made by the donor in that year for tax payable on or in respect of the gift is discharged by an amount that bears the same proportion to the amount determined under subsection 4 as,

- (a) the amount of the liability, immediately before the payment, of the donee for tax on or in respect of all gifts made to him by the donor in that year;

bears to

- (b) the aggregate of the liabilities, immediately before the payment, of all donees for tax on or in respect of all gifts made to them by the donor in that year.

Amount
referred
to in sub-
section 3

(4) For the purposes of subsection 3, the amount determined under this subsection is an amount that bears the same proportion to the payment referred to in subsection 3 as,

- (a) the aggregate taxable value of all gifts made by the donor in the year;

bears to

- (b) the donor's aggregate for that year.

(5) For the purposes of this section, a payment made on account of a person's liability for tax shall, to the extent of the lesser of, Payments deemed applied against tax

- (a) the amount of the payment; or

- (b) that person's liability for tax at the time of payment,

be deemed to be a payment on account of tax and not on account of interest or penalties in respect thereof,

(6) Where, for the purposes of calculating the taxable value of gifts made by a donor in a year, the donor has or is entitled, by virtue of subsection 1 of section 11, to deduct an aggregate of \$10,000, in determining the taxable value of a gift of the class described in subsection 1 of section 11 for the purpose of calculating the liability of the donee of the gift under subsection 1, Apportioning deduction under section 11 (1)

- (a) the \$10,000 deduction minus any deduction mentioned therein, shall be apportioned *pro rata* among the donees of gifts of the class described in subsection 1 of section 11 made by the donor in that year on the basis of the total value of those gifts made to each donee except that not more than \$2,000 shall be apportioned to the gifts made to any one donee under this clause; and

- (b) the taxable value of those gifts received by each donee shall be determined as the value of the gifts less the portion of the deduction apportioned to that donee.

35.—(1) Where a donor makes a gift by the creation of, or the transfer of property to, a trust, the trustee thereof shall not pay, deliver, transfer or assign any property to the beneficiaries of the trust under the trust unless, Trustee to deduct tax

- (a) he deducts therefrom any tax, interest and penalties payable on or in respect of the property; or
- (b) he collects from the donor or the beneficiary any tax, interest and penalties payable on or in respect of the property; or

- (c) he is satisfied from evidence produced to him that any tax, interest and penalties payable on or in respect of the property have been paid; or
- (d) the Minister has consented in writing to the trustee paying, delivering, transferring or assigning the property to the beneficiaries.

Remitting
of tax by
trustee

(2) Every trustee who has deducted or collected tax, interest and penalties under subsection 1 shall forthwith remit the tax, interest and penalties to the Treasurer of Ontario, and for the purposes of the deduction, collection and remitting of the tax, interest and penalties, the trustee is a public officer within the meaning of *The Financial Administration Act*.

R.S.O. 1970,
c. 166

Offence

(3) Every trustee who fails to comply with subsection 1 or 2 is guilty of an offence and liable, on summary conviction, to a fine equal to the amount of tax, interest and penalties payable on or in respect of the property paid, delivered, transferred or assigned or of the money he failed to remit, as the case may be.

Defence

(4) No person is guilty of an offence under subsection 3 if he has deducted or collected, and remitted, an amount set out in a notice of assessment of tax, interest and penalties payable on or in respect of the property paid, delivered, transferred or assigned, sent by the Minister under section 23.

Liability
of trustee

(5) Where a donor makes a gift by the creation of, or the transfer of property to a trust, the trustee is not liable for any tax payable on or in respect of the property by reason of his position of trustee, but nothing in this subsection exempts the trustee who is a beneficiary of the trust from payment of tax, interest and penalties payable by him as donee or from complying with subsections 1 and 2.

Action
against
trustee

(6) No action lies against a trustee for deducting and remitting any amount under the authority of, or in compliance with, this section.

Time for
payment
of tax

36.—(1) Unless the Minister demands payment of the tax at an earlier time under section 45, tax payable on or in respect of gifts made by a donor in a year is payable on or before the 30th day of April in the next following year.

Time for
payment of
penalties

(2) Penalties assessed under this Act are payable thirty days after the date on which the notice of assessment therefor is sent by the Minister under section 23.

Time for
payment of
interest

(3) Interest on tax payable under this Act is payable as it accrues.

37. Notwithstanding the provisions of this Act respecting the time within which payment of tax, interest and penalties shall be made, where the Minister is satisfied that payment of tax, interest and penalties cannot, without undue hardship or excessive sacrifice, be made within the time within which payment thereof is required to be made, the Minister may defer the time for payment thereof, or any part thereof, for such period, on such terms and on payment of such interest, not exceeding 5 per cent per annum, as to him seems equitable and proper. Deferment of payment for hardship

38. Where tax or a penalty is not paid within the time specified in this Act for payment thereof, interest at a rate prescribed by the regulations, calculated from the time when the payment became due and compounded annually, shall be paid by the person liable to pay the tax on the amount of tax from time to time unpaid. Interest

39. Every person who wilfully, in any manner, evades or attempts to evade payment of tax payable is liable to a penalty to be assessed by the Minister of not less than 25 per cent and not more than 50 per cent of the amount of tax evaded or sought to be evaded. Penalty for evasion

40. Every person who, knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return of information, statement or answer filed or made as required by or under this Act, or the regulations, as a result of which the tax that would have been payable if the tax had been assessed on the basis of the information provided in the return, statement or answer is less than the tax payable, is liable to a penalty to be assessed by the Minister of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable in addition to any tax, interest or penalty otherwise provided in this Act. Penalty for omissions in returns

41. Where a person is liable to a penalty under section 40 in respect of any statement or omission in a return, or in any statement or answer filed or made as required by or under this Act or the regulations, he is not liable to any penalty under section 39 in respect of the same statement or omission. Saving provision

42.—(1) The Minister, upon proof to his satisfaction that an overpayment of tax has been made by any person, Refunds

- (a) may, at any time, whether or not application has been made by that person; and

(b) shall, if application therefor has been made in writing within four years after the later of,

(i) the day the overpayment arose, or

(ii) the day on or before which payment of the tax in respect of which the overpayment arose was required to be made,

refund the amount of the overpayment.

Interest
on over-
payment

(2) Where an amount in respect of an overpayment is refunded, interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

(a) the day the overpayment arose; or

(b) the day on or before which the payment of the tax in respect of which the overpayment arose was required to be made; or

(c) the day on which the time fixed under subsection 1 of section 18 for filing a return relating to the tax expired,

and ending with the day the refund was made.

Refund after
variation of
assessment,
etc.

(3) Where, by any decision of the Minister under section 28, or any decision of the Supreme Court, it is finally determined that the amount payable by any person as tax is less than the amount assessed by the assessment to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 2 on the amount of that overpayment shall be computed at the rate prescribed in the regulation for the purpose of section 38 instead of 3 per cent per annum.

Definition
of over-
payment

(4) In this section, "overpayment" means the aggregate of all amounts paid by a person as tax or as interest or penalties, less the aggregate of all amounts payable by that person as tax, interest or penalties, or any amount so paid where no amount is so payable.

Debt to
the Crown

43. All tax, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty in right of Ontario and are recoverable as such in any court of competent jurisdiction or in any other manner provided under this Act.

44. The Minister may issue a warrant, directed to the sheriff of any county or district in which any property of a person liable to pay tax, penalty or interest under this Act, is located or situate, for the amount of the tax, penalty or interest or any of them owing by the person, together with interest thereon from the date of issue of the warrant and the costs, expenses and bonding of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

Warrant for
collection
of indebted-
ness

45.—(1) Where the Minister has reason to suspect that a person by whom tax, interest or penalties are payable or will become payable is about to leave Ontario, or that a person outside Ontario by whom tax, interest or penalties are payable or will become payable is about to remove or cause to be removed from Ontario, property comprising a gift, the Minister may, before the day otherwise fixed for payment, by notice served on, or sent by registered mail addressed to that person, demand payment of the tax, interest and penalties payable or that will become payable by that person, and the same is payable forthwith notwithstanding any other provision of this Act.

Person
leaving
Ontario
or removing
a property

(2) Where a person fails to pay tax, interest or penalties demanded under subsection 1 as required, the Minister may direct that the property other than real property of that person be seized.

Seizure of
property

(3) Property seized under subsection 2 shall be kept for a period of twenty days or such further period, not exceeding thirty days, as may be specified by the Minister, at the cost and charges of the owner, and, if the owner does not pay the tax, interest and penalties payable by him, together with such costs and charges as are incurred in the seizure and keeping of the property, within that period or extended period the property seized shall, unless otherwise ordered by the Minister, be sold by public auction.

Sale of
seized
property

(4) Except in the case of perishable goods, notice of the sale, setting forth the time and place thereof together with a general description of the property to be sold, shall, at a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation

Notice
of sale

(5) Any surplus resulting from a sale under this section after deduction of the tax, interest and penalties owing and all costs and charges incurred in the seizing, keeping and sale of the property shall, as soon as possible after the sale, be paid to the owner of the property seized.

Surplus

Exempt
property

(6) Any property of any person in default that would be exempt from seizure under a writ of execution issued out of a court in Ontario is exempt from seizure and sale under this section.

Lien
for tax

46. Any amount payable as tax, interest or penalties under this Act by any person is a lien in favour of the Crown against all property, other than real property, owned by that person, and the lien may be enforced by seizure and sale in the manner prescribed in section 45.

Lien on
real
property

47.—(1) Where tax, interest or penalties are payable by any person under this Act, the Minister may file or cause to be filed in the proper registry office or office of land titles, as the case may be, a certificate of lien in prescribed form against real property of which that person is the registered owner setting out a description of the real property and the amount of tax, interest and penalties owing by that person, and, upon the certificate being filed, the interest of that person in the land described therein is subject to a lien in favour of the Crown for the amount owing, subject to any other interests or encumbrances filed prior thereto, and the lien may be enforced in the same manner as a judgment of the Supreme Court in respect of which a certificate of judgment has been filed.

Withdrawal
of lien

(2) Upon application therefor made to the Minister, in any case where subsequent to the filing of any certificate of lien under subsection 1, the lien is discharged or withdrawn, whether by payment in full of the amount thereof or in any other manner, the Minister shall issue to the person by whom the application is made a certificate of discharge or withdrawal of the lien.

Security
for payment

48. The Minister may, if he considers it advisable in a particular case, accept security for payment of tax, interest or penalties under this Act by way of a mortgage or other charge on property of the person by whom the tax, interest or penalties are payable, or on property of any other person, in the form of a guarantee from any other person or in any other form prescribed by the regulations.

Appointment
of evaluators,
etc.

49. The Minister may appoint or retain any person to make or assist in the making of any evaluation required for the purposes of this Act, and may fix and authorize the payment of the compensation to be paid to the person in respect thereof.

Administra-
tion of oaths

50. Any officer or servant employed in connection with the administration or enforcement of this Act, if he is designated

by the Lieutenant Governor for the purpose, may, in the course of his employment, administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or the regulations, and every officer or servant so designated has for those purposes all the powers of a commissioner under *The Commissioners for Taking Affidavits Act*. R.S.O. 1970,
c. 72

51.—(1) Any person so authorized in writing by the Minister, ^{Inspection} for any purpose relating to the administration or enforcement of this Act, may, at any reasonable time, enter any premises or place and inspect and examine any property, including any books, records, writing or other documents, kept therein and,

(a) require the owner, occupier or person in charge of the premises or place to give him all reasonable assistance in connection with his inspection or examination and to answer all proper questions relating to the inspection or examination, and, for that purpose, require the owner, occupier or person in charge of the premises or place to attend at the premises or place with him; and

(b) if, during the course of the inspection or examination, it appears to him that an offence under this Act has been committed, seize and take away any books, records, writings or other documents and retain them until their production in any court proceedings is required.

(2) The Minister may, for any purpose relating to the administration or enforcement of this Act, by registered ^{Requirement of additional information} letter or by demand served on the person, require a person, within such reasonable time as is stipulated in the letter or demand,

(a) to provide any information or additional information, or to submit any return or supplementary return to the Minister; or

(b) to produce to the Minister any book, record, writing or other document.

(3) The Minister may, for any purpose relating to the ^{Inquiry} administration or enforcement of this Act, authorize any person, whether or not he is an officer employed under the Minister, to make such inquiry as the Minister deems necessary with reference to anything relating to the administration or enforcement of this Act.

Copies as
evidence

(4) Where any book, record, writing or other document is seized, inspected, examined or produced in accordance with this section, the person by whom it is seized, inspected or examined or to whom it is produced, or any officer employed under the Minister, may make or cause to be made one or more copies thereof and shall, upon request by the person from whom the original document was seized or by whom it was produced, in any case where a copy thereof has been made pursuant to this section, send a copy thereof to the person or, if no copy thereof has been made pursuant to this section, allow the person at any reasonable time to have access to the document so seized or produced, and a document purporting to be certified by the Minister or a person so authorized by him to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Prohibition

(5) No person shall hinder, molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and notwithstanding any other Act or law, every person shall, unless he is unable to do so, do everything he is required by or under this section to do.

Powers of
person
making
inquiry

1971, c. 49

(6) For the purpose of any inquiry made under subsection 3, the person authorized to make the inquiry has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies as if such inquiry were an inquiry under that Act.

Communica-
tion of
information

52.—(1) Except as authorized by this section, no official or authorized person shall,

- (a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Officials
not compen-
sable as
witnesses

(2) Notwithstanding any other Act, but subject to subsection 3, no official or authorized person shall be required, in connection with any legal proceedings,

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or

- (b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(3) Subsections 1 and 2 do not apply in respect of,

Exceptions
for legal
proceedings

- (a) criminal proceedings under any Act of the Parliament of Canada; or
- (b) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or
- (c) proceedings relating to the administration or enforcement of this Act or the collection or assessment of duty.

(4) An official or authorized person may, in the course of his duties in connection with the administration or enforcement of this Act,

Exception
for internal
administration

- (a) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes and information obtained by or on behalf of the Minister for the purposes of this Act; and
- (b) allow an official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(5) Notwithstanding anything in this Act, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

Exception
for
objection
of appeals,
etc.

- (a) the person from whom the book, record, writing, return or other document was obtained; or
- (b) any person,
 - (i) for the purposes of any objection or appeal that has been or may be taken by that person under this Act arising out of any assessment of tax, interest or penalties under this Act in respect

of property comprising a gift in connection with which the book, record, writing, return or other document was obtained, or

- (ii) by whom any amount payable under this Act on or in respect of the gift is payable or has been paid,

or the legal representative of any person mentioned in clause *a* or *b* or the agent of any such person authorized in writing in that behalf.

Exception
for tax
enforcement
in other
jurisdictions

(6) Notwithstanding anything in this Act, the Minister may permit information or a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

(a) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purposes of administration of any Act of the Parliament of Canada imposing any tax or duty; or

(b) a minister of the government of any province of Canada or officer or employee employed under that minister, for the purposes of administering and enforcing an Act of the Legislature of that province imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of another province, as the case may be, is permitted to give to the Minister information or copies of any book, record, writing, return or other document obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province, as the case may be, in the administration or enforcement of that Act for the purposes of the administration of this Act.

Procedure
and
evidence
R.S.O. 1970
c. 217

53. The provisions of section 47 of *The Income Tax Act* relating to procedure, evidence and other matters provided therein are applicable *mutatis mutandis* to this Act.

Agreements
with other
governments

54.—(1) With the approval of the Lieutenant Governor in Council, the Minister may enter into agreements with the Government of Canada and the government of any other province of Canada,

- (a) respecting the administration of this Act and the collection of tax, interest and penalties under this Act by the Government of Canada and officials thereof

and the remitting of tax, interest and penalties so collected to the Treasurer of Ontario and the remuneration to be paid to the Government of Canada with respect thereto;

- (b) respecting the obtaining of information and copies of books, records, writings, returns and other documents relating to gifts and the valuation of property from other sources and the release of information and copies of books, records, writings, returns and other documents obtained by or on behalf of the Minister for the purposes of this Act to the Government of Canada or the governments of other provinces of Canada or both;
- (c) respecting reciprocal arrangements whereby notwithstanding the other provisions of this Act the Minister will allow a reduction of or deduction from the tax, interest and penalties payable under this Act to the extent of any corresponding reduction of or deduction from gift tax, interest and penalties payable under the laws of the reciprocating province in respect of certain classes of property and certain classes of donors or donees.

(2) Where an agreement is entered into under subsection 1 ^{Transfer of powers and duties} between the Minister and the Government of Canada respecting the administration and collection of tax, interest and penalties, the minister of the Government of Canada who under the agreement is authorized to act for the Government of Canada in the administration of this Act and the collection of tax, interest and penalties may employ and exercise all the powers and perform all the duties of the Minister under this Act.

(3) Where an agreement is entered into under subsection 1 ^{Powers of Deputy Minister, etc.} between the Minister and the Government of Canada respecting the administration of this Act and the collection of tax, interest and penalties, the deputy of the minister of the Government of Canada who, under the agreement, is authorized to act for the Government of Canada in the administration of this Act and the collection of tax, interest and penalties, may,

- (a) employ and exercise all the powers and perform all the duties of the Minister that the minister of the Government of Canada mentioned in subsection 2 may employ, exercise or perform under this Act; and
- (b) designate officers of his department to carry out such functions, duties and powers as are similar to those that are exercised by them on his behalf under

laws enacted by the Parliament of Canada imposing tax and delegating those functions, duties and powers to those officers of his department.

False
statements,
etc.

55.—(1) Every person who,

- (a) makes, or assents to or acquiesces in the making of a false or deceptive statement in a return, certificate, statement or answer filed or made as required by or under this Act or the regulations;
- (b) to evade payment of any amount of tax, interest, or penalties under this Act, destroys, alters, mutilates, hides or otherwise disposes of any book, record or other document;
- (c) makes, or assents to or acquiesces in the making of, a false or deceptive entry in, or omits or assents to or acquiesces in the omission to enter a material particular in, any book, record or other document;
- (d) wilfully, in any manner, evades or attempts to evade compliance with this Act or the payment of tax, interest or penalties payable under this Act; or
- (e) conspires with any person to commit an offence described in clauses *a* to *d* inclusive,

is guilty of an offence and on summary conviction is liable, in addition to any penalty otherwise provided in this Act, except section 56, to a fine of not less than \$100 and not more than \$10,000 or to imprisonment for a term not exceeding two years, or to both.

Saving
provision

(2) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade the payment of tax, he is not liable to pay a penalty under section 39 or 40 for the same evasion or attempt unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made.

Offences
and
penalties

56. Every person who fails to comply with or contravenes any provision of this Act or the regulations is guilty of an offence and, if no other penalty is provided therefor, is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months, or to both.

Officer of
corporation
involved in
offence

57. Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated

in the commission of the offence is a party to and guilty of the offence and liable, on summary conviction, to the penalty provided for the offence whether or not the corporation has been or is prosecuted for or convicted of the offence.

58.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing anything that by this Act is to be prescribed or is to be determined or regulated by regulation;
- (b) prescribing the nature of the evidence required to establish facts relevant to assessments under this Act;
- (c) authorizing any designated officers or classes of officers to exercise powers or perform duties of the Minister under this Act;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act, or to supply a copy of the information return or of a prescribed portion thereof to a person or persons in respect of whose liability under this Act the information return or portion thereof relates.

(2) A regulation made under subsection 1 may be made ^{Retroactive regulations} effective retroactively to a date not earlier than the 1st day of January, 1972.

59. Subject as otherwise provided herein, this Act applies, ^{Application of Act}

- (a) to and in respect of gifts made after the 31st day of December, 1971; and
- (b) to and in respect of donors and donees of gifts made after the 31st day of December, 1971.

60. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

61. This Act may be cited as *The Gift Tax Act, 1972*.

Short title

SCHEDULE I

Calculation of Tax on Basis of Aggregate Taxable Value

1. Where the aggregate taxable value of gifts made in the year does not exceed \$25,000, the tax is 15 per cent of that aggregate taxable value.
2. Where the aggregate taxable value of gifts made in the year exceeds \$25,000 but does not exceed \$50,000, the tax is \$3,750 plus 20 per cent of the amount by which that aggregate taxable value exceeds \$25,000.
3. Where the aggregate taxable value of gifts made in the year exceeds \$50,000 but does not exceed \$75,000, the tax is \$8,750 plus 25 per cent of the amount by which that aggregate taxable value exceeds \$50,000.
4. Where the aggregate taxable value of gifts made in the year exceeds \$75,000 but does not exceed \$100,000, the tax is \$15,000 plus 30 per cent of the amount by which that aggregate taxable value exceeds \$75,000.
5. Where the aggregate taxable value of gifts made in the year exceeds \$100,000 but does not exceed \$125,000, the tax is \$22,500 plus 35 per cent of the amount by which that aggregate taxable value exceeds \$100,000.
6. Where the aggregate taxable value of gifts made in the year exceeds \$125,000 but does not exceed \$150,000, the tax is \$31,250 plus 40 per cent of the amount by which that aggregate taxable value exceeds \$125,000.
7. Where the aggregate taxable value of gifts made in the year exceeds \$150,000 but does not exceed \$200,000, the tax is \$41,250 plus 45 per cent of the amount by which that aggregate taxable value exceeds \$150,000.
8. Where the aggregate taxable value of gifts made in the year exceeds \$200,000, the tax is \$63,750 plus 50 per cent of the amount by which that aggregate taxable value exceeds \$200,000.

SCHEDULE II

Formula for calculating amount of consideration for purposes of clause *b* of subsection 4 of section 7

$$Y - (\text{multiplier} \times .05 \times y) = (\text{multiplier} \times \text{annuity}) - (\text{multiplier} \times .05 \times \text{value of property disposed of})$$

In this formula,

- (a) *y* is the amount of consideration referred to in clause *b* of subsection 4 of section 7;
- (b) annuity is the annual value of the annuity or periodic payment referred to in clause *b* of section 3;
- (c) the value of the property disposed of is the value of the property disposed of under the arrangement or understanding referred to in clause *b* of section 3; and

- (d) the multiplier is the present value, as determined in accordance with the regulations, of an annuity of one dollar per year on the life of a person of the same sex as the donor and of the same age as the donor was at the time the property was disposed of under the arrangement or understanding referred to in clause *b* of section 3.

(NOTE: Example—A person disposes of property of value of \$80,000 under an arrangement to receive an annuity of \$6,000 for life. The disposition took place when he was 85 years of age. If the present value of an annuity of one dollar per year for a person aged 85 and of the same sex as the deceased is 4.12 the formula can be expressed as follows:

$$y - (4.12 \times .05 \times y) = (4.12 \times 6000) - (4.12 \times .05 \times 80,000)$$

$$y - (.2060 y) = (24720 - 16480)$$

$$.7940 y = 8240$$

$$y = \frac{8240}{.7940}$$

$$y = 10,377.83$$

This consideration paid for the property disposed of is \$10,377.83.)

An Act to impose
a Gift Tax

1st Reading

March 28th, 1972

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

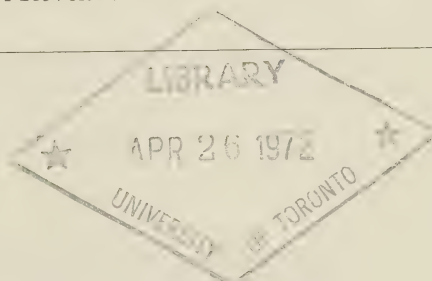
BILL 39

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to impose a Gift Tax

THE HON. A. GROSSMAN
Minister of Revenue



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to impose a tax with respect to gifts made on or after January 1, 1972. The form of the Bill follows that of a model adopted by those provinces which will impose a similar tax commencing on that date. Since the tax will be collected by the federal government, all the provincial Acts are required to be the same *mutatis mutandis*. There is provision in the Bill for an agreement to be entered into with the federal government, subject to the approval of the Lieutenant Governor in Council, for the collection of the tax.

An Act to impose a Gift Tax

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Inter-
pretation

1. "aggregate taxable value" in relation to gifts made by a donor in a year, means the aggregate of the taxable value of each gift made by him in the year whether or not he was a resident of Ontario at the time he made the gifts;
2. "amount" means any money, right or thing expressed,
 - i. in the case of money in terms of the amount of money, or
 - ii. in the case of a right or thing, in terms of the value in terms of money of the right or thing;
3. "assessment" includes a reassessment;
4. "charitable organization" means,
 - i. an organization that, at the time a gift of which it is the donee is made, or within two years thereafter, is a registered Canadian charitable organization as that expression is defined in clause *c* of subsection 8 of section 110 of the *Income Tax Act* (Canada) other than a trust exempt from tax under Part I of that Act by clause *f* or *h* of subsection 1 of section 149 of that Act, and R.S.C. 1970,
c. I-5
 - ii. an organization that, at the time a gift of which it is the donee is made, or within two years thereafter, is prescribed as a charitable organization under the regulations;

5. "common law wife" means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the making of a gift by a donor with whom she was residing, been publicly represented by the donor as his wife, and "common law husband" has a corresponding meaning;
6. "co-operating province" means another province of Canada that has been prescribed as a co-operating province under the regulations;
7. "corporation controlled by an individual" means a corporation that, at the time in respect of which the expression is being applied, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or of any other corporation or in any other manner whatever, by the individual or by any other person on behalf of the individual;
8. "disposition" includes any arrangement or ordering in the nature of a disposition, whether by one transaction or a number of transactions effected for the purpose, or in any other manner whatever;
9. "donee" means any person who receives or has received the benefit of a gift, including a gift deemed, for the purposes of this Act, to have been made;
10. "donor" means any individual who makes or has made a gift, including a gift deemed, for the purposes of this Act, to have been made;
11. "general power" includes any power or authority enabling the holder thereof either alone, or jointly with or with the consent of, any other person, to appoint, appropriate or dispose of property as he sees fit, whether exercisable by instrument *inter vivos* or by will, or both but does not include,
 - i. any power exercisable in a fiduciary capacity under a disposition not made by him except to the extent that, having regard to the fiduciary restrictions imposed upon him under the disposition, it is reasonable to regard the holder of the power as capable of conferring the property or any part thereof upon himself for his own benefit, or

- ii. any power exercisable as a mortgagee, or
 - iii. any power exercisable jointly with, or with the consent of, any other person,
 - (A) who has a substantial interest in the property to which the power relates, and
 - (B) whose interest in that property would be adversely affected by the exercise of the power in favour of the first-mentioned holder;
12. "gift" includes a transfer, assignment or other disposition of property, whether situated within or outside Ontario, by way of gift and, without limiting the generality of the foregoing, includes,
 - i. the creation of a trust of, or an interest in, property by way of gift, and
 - ii. a transaction or transactions whereby a person disposes of property directly or indirectly by way of gift;
 13. "individual" means a person other than a corporation;
 14. "interest in expectancy" includes an estate or interest in remainder or reversion and any other future interest whether vested or contingent, but does not include a reversion expectant on the determination of a lease;
 15. "Minister" means the Minister of Revenue;
 16. "municipality" means a corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes;
 17. "prescribed" in the case of a form or the information to be given on a form, means prescribed by the Minister, and, in any other case means prescribed by the regulations;
 18. "property" means property of every description whatever, whether real or personal, movable or immovable, or corporeal or incorporeal, and, without

restricting the generality of the foregoing, includes any estate or interest in any such property, a right of any kind whatever and a chose in action;

19. "real property" includes any estate, interest or right to or in land, but does not include a mortgage secured by real property;
20. "regulations" means regulations made under this Act;
21. "resident" means a person who resides in Ontario at the time of the making or receiving of a gift in respect of which the residence of the person is material, but, where a person has more than one place of residence at that time, he shall not be regarded as residing within Ontario unless his principal residence is within Ontario, and "resident" where used in reference to a resident of another province, state or country, has a corresponding meaning in respect of that other province, state or country;
22. "settlement" includes,
 - i. any trust, whether expressed in writing or otherwise, in favour of any person, and, if contained in a deed or other instrument effecting the settlement, whether or not the deed or other instrument was made for valuable consideration as between the settlor and any other person, and
 - ii. any deed or other instrument under or by virtue of which a usufruct or substitution is created or any real property stands limited to any person by way of succession;
23. "shareholder" includes any person who is entitled to receive payment of a dividend from or in respect of a share in the capital stock of a corporation;
24. "spouse" includes a common law wife or common law husband;
25. "tax" means tax payable under this Act;
26. "taxable value", in relation to a gift, means,
 - i. in the case of a gift that is exempt from tax, nil, and

- ii. in any other case, the value of the gift minus any deductions therefrom permitted under this Act;

27. "value",

- i. in relation to any income, right, annuity, term of years, life or other similar estate or interest in expectancy, means the value thereof, before any allowance or deduction is made for or on account of income tax, ascertained in a manner and in accordance with rules and standards, including standards as to mortality and interest, prescribed by the regulations, and
- ii. in relation to any other property, means the fair market value of the property,

computed in each case as of the date on which the gift comprising the income, right, annuity, term of years, life or other similar estate, interest in expectancy or property is made without regard to any increase or decrease in the value after that date;

28. "year" means the calendar year.

2.—(1) For the purposes of this Act,

Persons
connected
by blood
relation-
ship, etc.

- (a) persons are connected by blood relationship if one is a lineal descendant of the other or one is the brother or sister of the other;
- (b) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other; and
- (c) persons are connected by adoption if one has been adopted as the child of the other or as the child of a person who is so connected by blood relationship (otherwise than as a brother or sister) to the other.

(2) A reference in this Act to "the part of any tax payable or tax otherwise payable that is applicable to any particular gift the taxable value of which is included in the aggregate taxable value of gifts made by the donor in a year" shall be construed as a reference to that part of the total tax payable by the donor on or in respect of gifts made in that year that bears the same proportion to the total

Reference
to tax
applicable
to any
property

tax so payable as the taxable value of that gift bears to the aggregate taxable value of all gifts made by the donor in that year.

Reference
to tax
otherwise
payable

(3) A reference in any provision of this Act to “tax otherwise payable” shall be construed as meaning the tax payable under this Act without giving effect or having regard to the provision in which the reference occurs.

Reference
to property
substituted

(4) For the purposes of this Act, a reference to “property substituted for any other property” refers to property acquired by one or more transactions effecting one or more substitutions.

Arm's length

(5) For the purposes of this Act, persons shall be deemed to be dealing at arm's length when each stands upon the strict letter of his rights and conducts his business in a formal manner without trusting to the other's fairness or integrity and without being subject to the other's control or overmastering influence.

Deemed
gifts

3. For the purposes of this Act, a person shall be deemed to make a gift in a taxation year where, in the year and otherwise than by his will, he,

(a) transfers or settles property, except a right under a marriage contract, to or upon any person,

(i) in consideration of marriage, or

(ii) on account or in satisfaction of, an obligation assumed by him in consideration of marriage;
or

(b) disposes of property to any person, other than property disposed of to a corporation licensed or otherwise authorized under the laws of Canada or a province of Canada to carry on in Canada an annuities business, under an arrangement made in the ordinary course of a business carried on by that corporation, under an arrangement or understanding whereby the person to whom the disposition is made undertakes to purchase or provide for or for the use or benefit of the individual an annuity or other periodic payment for life or any other period determinable by reference to death; or

(c) exercises, whether partially or completely, any general power of which he was the donee or other holder; or

- (d) confers a benefit by disposing of a right to restore to himself or to reclaim any property ; or
- (e) directs or concurs in the payment or transfer of property to another person as a benefit that the individual desired to have conferred on that other person to the extent that, for the purposes of the *Income Tax Act* (Canada), the payment or transfer would, by virtue of subsection 2 of section 56 of that Act, have been included in the income of the individual for that year if the payment or transfer of the property had been made to the individual ; or
- (f) disposes of any right to income, or other benefit retained in property which has previously been disposed of by him by gift *inter vivos* or in property substituted for any of the property comprising the gift.

4.—(1) A debt or other right that, by virtue of the operation of any statute or law limiting the time for bringing action thereon, became unenforceable by a person against any other person or property of any other person with whom, at the time the debt or right became unenforceable, he was not dealing at arm's length, shall, to the extent of the value of the debt or right immediately before becoming unenforceable, determined without reference to the effect of the statute or law, be deemed to be property disposed of by the first-mentioned person under a disposition operating as an immediate gift made to that other person at the time the debt or right became unenforceable, unless the debt or right is paid, honoured or acknowledged before, or within ninety days after, the date on which any assessment of tax in respect thereof is sent under section 23.

(2) For the purposes of this Act,

- (a) the artificial creation by an individual or with his consent of a debt or other right enforceable against him personally or against property of which he was or might be competent to dispose, or to charge or burden for his own benefit, shall be deemed to be a gift made by that individual at the time of the creation of the debt or right, and, the value of the gift is the value of the benefit conferred by the creation of the debt or right ; and
- (b) the extinguishment by an individual or with his consent, of a debt or other right enforceable by him shall be deemed to be a gift made by that individual

Deemed
gift where
debt
becomes
unenforce-
able

Creation or
extinguish-
ment of debts

immediately prior to the extinguishment of the debt or right, and, the value of the gift is the value of the benefit conferred by the extinguishment of the debt or right.

Expiry
of rights
to shares

(3) For the purposes of this Act, where an individual allows his rights to purchase shares in a corporation controlled, whether directly or indirectly and whether through holding a majority of shares of the corporation or any other corporation or in any other manner whatever, by him, or by one or more persons connected with him by blood relationship, marriage or adoption, or by him and such one or more persons, or by any other person on his or their behalf, to expire and thereby allows his interest in or control of the corporation to be reduced, the individual shall be deemed to have made a gift, to the extent that the value of his interest in or control of the corporation was reduced, to the other shareholders *pro rata* on the basis of their holdings of shares after the expiry of the right to purchase shares.

Indirect
gifts

5.—(1) For the purposes of this Act, where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatever is that an individual confers a benefit on another person, the individual shall be deemed to have made a gift to that other person equal to the amount of the benefit conferred notwithstanding the form or legal effect of the transactions or that one or more other persons were also parties thereto, and whether or not there was an intention to avoid or evade taxes under this Act.

Where
transaction
at arm's
length

(2) Where it is established that a sale, exchange or other transaction was entered into by persons dealing at arm's length, *bona fide* and not pursuant to, or as part of, any other transaction and not to effect payment, in whole or in part, of an existing or future obligation, no party thereto shall be regarded, for the purpose of subsection 1, as having conferred a benefit on a party with whom he was so dealing.

Gifts
through
corporations

(3) For the purposes of this Act, a gift made by a corporation controlled by an individual to or for the benefit of a person connected with the individual by blood relationship, marriage or adoption shall be deemed to be a gift made by the individual, and he shall be deemed to be the donor of the gift and, in relation to the gift, any act or thing done or effected by the corporation shall be deemed to have been done or effected, in all respects as though the corporation were the individual.

6. For the purposes of this Act, where an individual makes a loan to, or disposes of property to, a person with whom he is not dealing at arm's length in consideration of a promise or covenant to pay money, with or without interest, at a time in the future, the value of the promise or covenant to pay shall be discounted at a rate of interest prescribed in the regulations.

7.—(1) An individual shall not be deemed to have made a gift in a taxation year by reason only of his having made, in that year, a marriage contract.

(2) An amount paid by an individual to his spouse who is living apart from the individual, or his former spouse, as or toward the maintenance of the spouse or former spouse shall be deemed not to be a gift to the spouse or former spouse if the amount is not excessive, having regard to the legal and moral obligations of a person to his spouse or former spouse, notwithstanding that the individual was not under any legal obligation to pay the amount.

(3) Where property is acquired pursuant to a purchase made from an individual by a purchaser with whom the individual was not dealing at arm's length, for a consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, the individual shall be deemed not to have made a gift of that property to the purchaser unless the purchase was made otherwise than for full consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, in which case he shall be deemed to have made a gift of the property acquired to the extent that the value of the property so acquired exceeds the amount of the consideration actually so paid or agreed to be paid.

(4) For the purposes of subsection 3, where any property has been disposed of by an individual under an arrangement or understanding described in clause *b* of section 3, the property shall be deemed to have been acquired pursuant to a purchase made from the individual for a consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, but

(a) if the yearly amount of the annuity or other periodic payment referred to in clause *b* of section 3 does not exceed 5 per cent of the value of the property so disposed of, the amount of the consideration shall be deemed to be nil; and

(b) if the yearly amount of the annuity or other periodic payment exceeds 5 per cent of the value of the

property disposed of, the amount of the consideration shall be deemed to be that amount which is calculated in accordance with the formula set out in Schedule II.

Tax on
resident
donor

8.—(1) Subject as herein otherwise provided, where a donor who is a resident makes gifts in any year, he shall pay tax in respect of the gifts made in that year calculated in accordance with Schedule I on the basis of the aggregate taxable value of gifts made by him in that year.

Tax on
gifts of
real
property

(2) Subject as herein otherwise provided, where a donor who is not a resident makes gifts in any year of real property situated within Ontario, tax calculated in accordance with Schedule I on the basis of the aggregate taxable value of gifts made in that year shall be paid on the subject-matter of the gifts.

Payment of
tax to
Minister

9. Each donor liable to pay tax under subsection 1 of section 8, and each donor of gifts of real property on which tax is payable under subsection 2 of section 8, shall pay the tax to the Treasurer of Ontario.

Exempt
gifts

10. The following gifts are exempt from tax under this Act,

- (a) a *donatio mortis causa*;
- (b) a testamentary gift or a gift made so that no person except the donor is entitled before the death of the donor to possess for his own benefit or for the benefit of any other person other than the donor any of the property or any property substituted for any of the property comprising the gift, or receive or otherwise obtain the use of any of the income therefrom;
- (c) an absolute and indefeasible gift to the Crown in right of Canada;
- (d) an absolute and indefeasible gift to the Crown in right of a province of Canada;
- (e) an absolute and indefeasible gift to a municipality in Canada;
- (f) an absolute and indefeasible gift to a charitable organization;
- (g) an absolute and indefeasible gift, except a gift made by the creation of a settlement or the transfer of property to a trust, made by the donor to his spouse.

Deductions
in computing
taxable
value

11.—(1) In computing the taxable value of a gift, except a gift made by the creation of a settlement or the transfer of

property to a trust, made by a donor in a year to a donee who is an individual, there may be deducted in the case of gifts made to persons, other than the spouse of the donor, the lesser of,

- (a) the value of the gift; or
- (b) the amount, if any, by which two thousand dollars exceeds the value of all other gifts, except gifts that are exempt from tax under this Act and gifts made by the creation of a settlement or the transfer of property to a trust, made by the donor to the donee in the year and before the time when the gift was made,

but in any year not more than an aggregate of \$10,000 may be deducted under this section from the taxable value of gifts made by the donor in that year.

(2) Where, in any year, an individual made a gift by the creation of, or the transfer of property to, a trust, and

Gifts deemed not made by creation of trust

- (a) there is only one beneficiary under the trust, other than persons who may receive, use, or enjoy any of the properties subject to the trust or any of the income therefrom only in the event of the death of that beneficiary before attaining such age, not exceeding forty years, as is specified in the instrument creating the trust; and
- (b) that beneficiary was an individual who was living at the time when the gift was made,

the gift shall be deemed, for the purposes of subsection 1 only, not to be a gift made by the creation of, or the transfer of property to, a trust, and shall be deemed to be a gift to that beneficiary.

12. Where in any year a resident makes a gift of real property that is not situated within the Province of Ontario there shall be deducted from the tax otherwise payable by him on that property the lesser of,

Credit for gifts of real property outside Ontario

- (a) any tax otherwise payable under this Act on that real property; or
- (b) the amount of any gift tax payable on that real property under the laws of the jurisdiction in which the real property is situated.

No allowance
for income
taxes

13.—(1) For the purposes of this Act, in determining the value of a gift of any income right, annuity, term of years, life or other similar estate or interest in expectancy, no allowance or deduction shall be made for or on account of income tax that may be or become payable on or in respect thereof.

Where
income tax
not to be
considered

R.S.C. 1970,
c. I-5

(2) Where a gift includes securities, or any business or any interest in any business, in valuing the security or the business or the interest in the business for the purposes of this Act, the fact that tax under the *Income Tax Act* (Canada) or any similar tax may be or become payable by reason of, or in respect of, the payment or distribution of any accumulated surplus or other property shall not be taken into consideration unless, and to the extent only that, the payment or distribution is necessary and made for the purpose of raising money to pay tax under this Act.

Listed
securities

14.—(1) For the purposes of this Act, except as hereinafter otherwise provided, the value of any security that is listed on a stock exchange, or in the case of any security not so listed, on which a price or quotation is obtainable from a recognized financial journal or financial report or from a registered broker, shall be deemed to be the closing price or quotation of that security on the day as of which the value is required to be computed, or, if there was no closing price or quotation on that day, on the last preceding day on which there was a closing price or quotation.

Application

(2) Subsection 1 does not apply in determining the value of any security on which no closing price or quotation is obtainable as provided in subsection 1, or in determining the value of,

(a) any share in or in the capital stock of; or

(b) any other security in the nature of an interest in or right to any of the proceeds, profits, capital assets or other assets of,

any corporation, association, partnership or syndicate that, immediately prior to the making of a gift in respect of which the value is material, was controlled, whether through holding a majority of the shares thereof or other voting interest therein or in any other manner whatever, by the donor, by the donor and one or more persons connected with him by blood relationship, marriage or adoption, or by any other person on his or their behalf.

Definition
of security

(3) In this section, "security" includes a bond, debenture, guaranteed investment, share, stock, debenture stock, syn-

dicate unit, right to subscribe for or purchase shares or stocks and right to royalties, but does not include a mortgage or hypothec.

15.—(1) Where, immediately before the making of a gift of shares in the capital stock of a corporation by a donor, there belonged to the donor and one or more persons connected with him by blood relationship, marriage or adoption, or deemed to be connected with him by virtue of subsection 2, shares in the capital stock of the corporation sufficient in number to control the corporation, under such circumstances that the shares in the capital stock of the corporation that belonged to the donor alone were not sufficient in number to control the corporation, the value of the shares comprising the gift shall, unless it is established that the donor and such one or more other persons were persons dealing with each other at arm's length, be determined, for the purposes of this Act, as though each share comprising the gift formed part of a group of shares that, immediately before the making of the gift, belonged to the donor and were sufficient in number to control the corporation.

Shares of minority shareholder in controlled corporation

(2) For the purposes of subsection 1, a corporation, herein-after in this subsection called "the first corporation", that, immediately before the making of a gift, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the first corporation or of any other corporation, or in any other manner whatever,

Corporation as connected person

- (a) by the donor; or
- (b) by one or more persons connected with the donor by blood relationship, marriage or adoption; or
- (c) by any other corporation that was, immediately before the making of the gift, controlled, whether directly or indirectly and whether through holding a majority of the shares of that other corporation or any other corporation, or in any other manner whatever, by the donor or by one or more persons connected with him by blood relationship, marriage or adoption, or by the donor and such one or more other persons or by any other person on his or their behalf; or
- (d) by the donor and such one or more other persons and corporations described in clause c, or by the donor and any combination of such persons and corporations, or by any other person for or on his or their behalf,

R.S.C. 1970,
c. I-5

and any subsidiary controlled corporation, as that expression is defined in subsection 1 of section 248 of the *Income Tax Act* (Canada), of the first corporation, shall be deemed to be a person connected with the donor.

Debts
owing by
certain
persons

16.—(1) Where, at the time of the making of a gift by a donor of a debt that was owing to the donor at that time, the debt was owing to him,

- (a) by any person connected with him by blood relationship, marriage or adoption ; or
- (b) by any corporation that, at that time, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or of any other corporation or in any other manner whatever, by the donor, by one or more persons connected with him by blood relationship, marriage or adoption, by the donor and such one or more other persons, or by any other person on his or their behalf,

the value of the debt shall, unless it is established that at the time of the creation of the debt the donor and the debtor were persons dealing with each other at arm's length, be determined for the purposes of this Act as though the amount thereof outstanding at the time of the making of the gift had, at that time, become due and payable to him.

Debt
defined

(2) In this section, "debt" means a debt of any kind whatever, whether secured or unsecured, and whether under seal or otherwise, and includes a bill of exchange or promissory note, whether negotiable or otherwise.

Valuation
of deemed
gifts

17. The value of a gift deemed to be made under section 3 shall be deemed to be,

- (a) in the case of clause *a* of section 3, the value of the property transferred or settled at the time of the transfer or settlement ;
- (b) in the case of clause *c* of section 3, the value, at the time of the exercise of the general power, of the benefit obtained by persons other than the grantor or the holder of the general power as a consequence of its exercise ;
- (c) in the case of clause *d* of section 3, the value of the benefit referred to in that clause at the time of the disposition ;

- (d) in the case of clause *e* of section 3, the amount or value of the payment or transfer to the extent referred to in that clause; and
- (e) in the case of clause *f* of section 3, the value, at the time of the disposition of the right to income or other benefit, of the property, including any property substituted for any of the property comprising the gift previously disposed of, minus the amount, if any, of the consideration received by him in respect of the disposition of the right to income or other benefit.



18.—(1) Every donor who makes a gift in any year other ^{Returns} than,

- (a) a gift exempt from tax under section 10; or
- (b) a gift made to an individual having a value of less than \$2,000 if the aggregate value of gifts made to individuals by the donor in the year does not exceed \$10,000,

shall, without any demand therefor, file with the Minister on or before the 30th day of April in the next succeeding year a return in the prescribed form.



(2) Whether or not he is liable to pay any tax under ^{Demand for return} this Act in respect of any gift, and whether or not a return has been filed under subsection 1, every person shall, on demand by registered letter from the Minister, file a return in the prescribed form with the Minister, within such time as is specified in the demand.

19. A return required under section 18 shall be in a form ^{Form of return} prescribed by the Minister and shall contain the information prescribed by the Minister.

20. Every person filing a return with the Minister under ^{Estimate of tax} this Act shall, in the return, estimate to the best of his knowledge and ability the amount of any tax payable under this Act on or in respect of gifts made by him in the year to which the return relates.

21.—(1) The Minister may, for any reason satisfactory to ^{Extension of time for filing return} him, extend for such reasonable time as is specified by him, the time for filing any return required under this Act to be filed with him.

(2) Where the Minister refuses to extend the time for ^{Appeal for extension of time} filing a return required to be filed by any person under this Act, or the person required to file a return under this Act is not satisfied with an extension of time granted by the Minister under subsection 1, the person required to file the return may apply to a judge of the Supreme Court to extend

the time or to extend further the time, as the case may be, for filing the return, and the judge may, as he thinks reasonable,

(a) refuse to extend the time, or extend further the time, for filing the return; or

(b) extend the time, or extend further the time, for filing the return for such period as he may fix.

Failure
to file
return

(3) Every person required to file a return under section 18 who fails to file the return within the time fixed or allowed for the filing of the return is liable to a penalty, to be assessed by the Minister, not exceeding \$10 for each day during which the failure continues.

Assessment

22.—(1) The Minister shall examine each return filed with him and assess the amount of tax, interest and penalties, if any, payable under this Act on or in respect of the gifts to which the return relates.

Assessment
where no
return
filed

(2) Notwithstanding that a return has not been filed by a donor in respect of gifts made by him in any year, the Minister may assess the amount of tax, interest and penalty, if any, payable under this Act on or in respect of gifts made by the donor in that year.

Notice of
assessment

23.—(1) After making an assessment under section 22, the Minister shall send a notice of assessment to the donor, and, if a donee is liable to pay any tax on or in respect of any gift to which the assessment relates, to the donee.

Notice to
one donee

(2) Where the Minister sends a notice of assessment to one donee in respect of the tax payable on or in respect of a gift made jointly to two or more donees, the Minister shall be conclusively deemed to have sent a notice of assessment to each of the donees to whom the gift was made.

Effect of
assessment

24. Liability for tax under this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Reassessment

25.—(1) The Minister may, at any time, assess tax, interest or penalties payable under this Act on or in respect of gifts made by a donor in any year, or notify in writing any person by whom any return is filed that no tax is payable on or in respect of gifts made by a donor in any year, and may,

(a) at any time, if the person by whom any return is filed,

(i) has made any misrepresentation, that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in filing

any return or in supplying any information under this Act, or

- (ii) has filed with the Minister a waiver in prescribed form either before or within four years after the day of mailing of the notice of an original assessment or of a notification that no tax is payable under this Act on or in respect of gifts made by the donor in that year; and

- (b) in any other case within four years after the day of mailing the notice of the original assessment or of a notification that no tax is payable on or in respect of gifts made by a donor in that year,

reassess or make additional assessments, or assess tax, interest or penalties under this Act, as the circumstances require.

(2) Notwithstanding subsection 1, for the purposes of any reassessment, additional assessment, or assessment of tax, interest and penalties payable under this Act that is made under subsection 1 after the expiration of four years from the day referred to in subclause ii of clause *a* of subsection 1, there shall not be included in computing the aggregate taxable value of gifts made by a donor, or in computing the value of a gift to a donee, any amount that was not included for the purposes of an assessment of tax, interest and penalties that was made before the expiration of four years from that day and,

- (a) in respect of which the person liable to pay the tax, interest and penalties establishes that the failure so to include it did not result from any misrepresentation that is attributable to his neglect, carelessness or wilful default, or from any fraud committed by him, in filing a return or supplying any information under this Act; or
- (b) that the person establishes cannot reasonably be regarded as relating to a matter specified in a waiver filed by him with the Minister within the time referred to in subclause ii of clause *a* of subsection 1.

26. The Minister is not bound by a return or information supplied by or on behalf of any person and may, notwithstanding any returns or information supplied, or if no return has been filed, make the assessment contemplated under this Act.

27. An assessment shall, subject to being varied or vacated on an objection or appeal, if any, in accordance with this Act,

and subject to reassessment, be conclusively deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Objection to
assessment

28.—(1) Where a donor or donee objects to an assessment of the tax payable on or in respect of any gift made by a donor, he may, within ninety days after the day of mailing the notice of assessment sent by the Minister under section 23, serve on the Minister a notice of objection to the assessment in duplicate and in prescribed form, setting out the reasons for the objection and all facts relevant thereto.

Service of
notice

(2) A notice of objection under this section shall be served by registered mail addressed to the Minister.

Reconsidera-
tion

(3) Upon receiving a notice of objection, the Minister shall with all due dispatch reconsider the assessment to which the objection is made and vacate, confirm or vary the assessment or reassess, and the Minister shall thereupon, by registered mail, notify the person by whom the objection was taken of his action.

Validity
of reassess-
ment

29. A reassessment made by the Minister under section 28 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or of a notification described in section 25.

Appeal

30.—(1) Where a person has, under section 28, served on the Minister a notice of objection to an assessment, he may, after,

(a) the Minister has confirmed or varied the assessment or reassessed; or

(b) 180 days have elapsed after service of the notice of objection and the Minister has not notified him that he has vacated, confirmed or varied the assessment or has reassessed,

appeal the assessment or reassessment to the Supreme Court by way of originating notice of motion.

Time limit
for appeal

(2) Subject to section 32, no appeal under subsection 1 shall be instituted by any person after ninety days from the day notice was mailed to that person by the Minister under subsection 3 of section 28.

Powers of
court

(3) On an appeal under subsection 1, the court or a judge may set aside or vary the assessment in respect of which the appeal is instituted.

31. An assessment shall not be set aside or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act. ^{Irregularities}

32.—(1) Where no objection to an assessment under section 28, or appeal to the Supreme Court under section 30, has been made or instituted within the time limited by section 28 or 30, as the case may be, for doing so, an application may be made to a judge of the Supreme Court, with notice to the Minister, for an order extending the time within which a notice of objection may be served or an appeal instituted, and the judge may, if in his opinion the circumstances of the case are such that it is just and equitable to do so, make an order extending the time and may impose such terms and conditions as he deems just. ^{Application for extension of time}

(2) An application made under subsection 1 shall set out the reasons why it was not possible to serve the notice of objection or institute the appeal within the time otherwise limited by this Act for so doing. ^{Reasons for delay}

(3) No order shall be made under subsection 1 unless, ^{When order not to be made}

(a) the application is made within one year of the expiration of the time for the extension of which the application is made;

(b) a judge of the Supreme Court has not previously made an order extending the time; and

(c) the judge hearing the application is satisfied that,

(i) but for the circumstances mentioned in subsection 1, an objection or appeal would have been made or instituted within the time limited,

(ii) the application was made as soon as circumstances permitted, and

(iii) there are reasonable grounds for objecting to or appealing from the assessment.

33. Liability to pay any tax within the time specified in this Act for payment thereof is not affected by the fact that an objection to or appeal from any assessment by the Minister is outstanding. ^{Effect of objection or appeal}

34.—(1) Where a donor fails to pay, as herein required, all or a portion of the tax payable by him on or in respect of gifts ^{Liability of donee for tax}

made by him in a year, in this section referred to as the "donor's tax for that year", each donee who received gifts from the donor in that year and who is a resident of Ontario at the time the gift was made is liable to pay to the Treasurer of Ontario within thirty days after the day of mailing a notice of assessment of the donor's tax for that year, tax in an amount that bears the same proportion to the donor's tax for that year as,

- (a) the taxable value of all gifts made to the donee in that year by the donor;

bears to

- (b) the sum of the donor's tax for that year and the aggregate taxable value of gifts made by the donor in that year, in this section referred to as the "donor's aggregate for that year".

Effect of
payment by
donee

(2) Where a donee makes a payment on account of the tax payable by him in respect of a gift made to him in a year, the liability of the donor of the gift for tax payable on or in respect of gifts made by him in that year is discharged by the amount that bears the same proportion to the payment made by the donee for that year as,

- (a) the donor's aggregate for that year;

bears to

- (b) the aggregate taxable value of gifts made by the donor in that year.

Effect of
payment
to in sub-
section 3

(3) Where a donor makes a payment on account of the donor's tax in that year, the liability of the donee of a gift made by the donor in that year for tax payable on or in respect of the gift is discharged by an amount that bears the same proportion to the amount determined under subsection 4 as,

- (a) the amount of the liability, immediately before the payment, of the donee for tax on or in respect of all gifts made to him by the donor in that year;

bears to

- (b) the aggregate of the liabilities, immediately before the payment, of all donees for tax on or in respect of all gifts made to them by the donor in that year.

Amount
referred
to in sub-
section 3

(4) For the purposes of subsection 3, the amount determined under this subsection is an amount that bears the same proportion to the payment referred to in subsection 3 as,

- (a) the aggregate taxable value of all gifts made by the donor in the year;

bears to

- (b) the donor's aggregate for that year.

(5) For the purposes of this section, a payment made on account of a person's liability for tax shall, to the extent of the lesser of, Payments deemed applied against tax

- (a) the amount of the payment; or

- (b) that person's liability for tax at the time of payment,

be deemed to be a payment on account of tax and not on account of interest or penalties in respect thereof,

(6) Where, for the purposes of calculating the taxable value of gifts made by a donor in a year, the donor has or is entitled, by virtue of subsection 1 of section 11, to deduct an aggregate of \$10,000, in determining the taxable value of a gift of the class described in subsection 1 of section 11 for the purpose of calculating the liability of the donee of the gift under subsection 1. Apportioning deduction under section 11 (1)

- (a) the \$10,000 deduction minus any deduction mentioned therein, shall be apportioned *pro rata* among the donees of gifts of the class described in subsection 1 of section 11 made by the donor in that year on the basis of the total value of those gifts made to each donee except that not more than \$2,000 shall be apportioned to the gifts made to any one donee under this clause; and

- (b) the taxable value of those gifts received by each donee shall be determined as the value of the gifts less the portion of the deduction apportioned to that donee.

35.—(1) Where a donor makes a gift by the creation of, or the transfer of property to, a trust, the trustee thereof shall not pay, deliver, transfer or assign any property to the beneficiaries of the trust under the trust unless, Trustee to deduct tax

- (a) he deducts therefrom any tax, interest and penalties payable on or in respect of the property; or
- (b) he collects from the donor or the beneficiary any tax, interest and penalties payable on or in respect of the property; or

(c) he is satisfied from evidence produced to him that any tax, interest and penalties payable on or in respect of the property have been paid; or

(d) the Minister has consented in writing to the trustee paying, delivering, transferring or assigning the property to the beneficiaries.

Remitting
of tax by
trustee

(2) Every trustee who has deducted or collected tax, interest and penalties under subsection 1 shall forthwith remit the tax, interest and penalties to the Treasurer of Ontario, and for the purposes of the deduction, collection and remitting of the tax, interest and penalties, the trustee is a public officer within the meaning of *The Financial Administration Act*.

R.S.O. 1970,
c. 166

Offence

(3) Every trustee who fails to comply with subsection 1 or 2 is guilty of an offence and liable, on summary conviction, to a fine equal to the amount of tax, interest and penalties payable on or in respect of the property paid, delivered, transferred or assigned or of the money he failed to remit, as the case may be.

Defence

(4) No person is guilty of an offence under subsection 3 if he has deducted or collected, and remitted, an amount set out in a notice of assessment of tax, interest and penalties payable on or in respect of the property paid, delivered, transferred or assigned, sent by the Minister under section 23.

Liability
of trustee

(5) Where a donor makes a gift by the creation of, or the transfer of property to a trust, the trustee is not liable for any tax payable on or in respect of the property by reason of his position of trustee, but nothing in this subsection exempts the trustee who is a beneficiary of the trust from payment of tax, interest and penalties payable by him as donee or from complying with subsections 1 and 2.

Action
against
trustee

(6) No action lies against a trustee for deducting and remitting any amount under the authority of, or in compliance with, this section.

Time for
payment
of tax

36.—(1) Unless the Minister demands payment of the tax at an earlier time under section 45, tax payable on or in respect of gifts made by a donor in a year is payable on or before the 30th day of April in the next following year.

Time for
payment of
penalties

(2) Penalties assessed under this Act are payable thirty days after the date on which the notice of assessment therefor is sent by the Minister under section 23.

Time for
payment of
interest

(3) Interest on tax payable under this Act is payable as it accrues.

37. Notwithstanding the provisions of this Act respecting ^{Deferment of payment for hardship} the time within which payment of tax, interest and penalties shall be made, where the Minister is satisfied that payment of tax, interest and penalties cannot, without undue hardship or excessive sacrifice, be made within the time within which payment thereof is required to be made, the Minister may defer the time for payment thereof, or any part thereof, for such period, on such terms and on payment of such interest, not exceeding 5 per cent per annum, as to him seems equitable and proper.

38. Where tax or a penalty is not paid within the time ^{Interest} specified in this Act for payment thereof, interest at a rate prescribed by the regulations, calculated from the time when the payment became due and compounded annually, shall be paid by the person liable to pay the tax on the amount of tax from time to time unpaid.

39. Every person who wilfully, in any manner, evades or ^{Penalty for evasion} attempts to evade payment of tax payable is liable to a penalty to be assessed by the Minister of 25 percent of the amount of tax evaded or sought to be evaded.

40. Every person who, knowingly, or under circumstances ^{Penalty for omissions in returns} amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return of information, statement or answer filed or made as required by or under this Act, or the regulations, as a result of which the tax that would have been payable if the tax had been assessed on the basis of the information provided in the return, statement or answer is less than the tax payable, is liable to a penalty to be assessed by the Minister of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable in addition to any tax, interest or penalty otherwise provided in this Act.

41. Where a person is liable to a penalty under section 40 ^{Saving provision} in respect of any statement or omission in a return, or in any statement or answer filed or made as required by or under this Act or the regulations, he is not liable to any penalty under section 39 in respect of the same statement or omission.

42.—(1) The Minister, upon proof to his satisfaction that ^{Refunds} an overpayment of tax has been made by any person,

- (a) may, at any time, whether or not application has been made by that person; and

(b) shall, if application therefor has been made in writing within four years after the later of,

(i) the day the overpayment arose, or

(ii) the day on or before which payment of the tax in respect of which the overpayment arose was required to be made,

refund the amount of the overpayment.

Interest
on over-
payment

(2) Where an amount in respect of an overpayment is refunded, interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

(a) the day the overpayment arose; or

(b) the day on or before which the payment of the tax in respect of which the overpayment arose was required to be made; or

(c) the day on which the time fixed under subsection 1 of section 18 for filing a return relating to the tax expired,

and ending with the day the refund was made.

Refund after
variation of
assessment,
etc.

(3) Where, by any decision of the Minister under section 28, or any decision of the Supreme Court, it is finally determined that the amount payable by any person as tax is less than the amount assessed by the assessment to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 2 on the amount of that overpayment shall be computed at the rate prescribed in the regulation for the purpose of section 38 instead of 3 per cent per annum.

Definition
of over-
payment

(4) In this section, "overpayment" means the aggregate of all amounts paid by a person as tax or as interest or penalties, less the aggregate of all amounts payable by that person as tax, interest or penalties, or any amount so paid where no amount is so payable.

Debt to
the Crown

43. All tax, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty in right of Ontario and are recoverable as such in any court of competent jurisdiction or in any other manner provided under this Act.

44. The Minister may issue a warrant, directed to the sheriff of any county or district in which any property of a person liable to pay tax, penalty or interest under this Act, is located or situate, for the amount of the tax, penalty or interest or any of them owing by the person, together with interest thereon from the date of issue of the warrant and the costs, expenses and bonding of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

45.—(1) Where the Minister has reason to suspect that a person by whom tax, interest or penalties are payable or will become payable is about to leave Ontario, or that a person outside Ontario by whom tax, interest or penalties are payable or will become payable is about to remove or cause to be removed from Ontario, property comprising a gift, the Minister may, before the day otherwise fixed for payment, by notice served on, or sent by registered mail addressed to that person, demand payment of the tax, interest and penalties payable or that will become payable by that person, and the same is payable forthwith notwithstanding any other provision of this Act.

(2) Where a person fails to pay tax, interest or penalties demanded under subsection 1 as required, the Minister may direct that the property other than real property of that person be seized.

(3) Property seized under subsection 2 shall be kept for a period of twenty days or such further period, not exceeding thirty days, as may be specified by the Minister, at the cost and charges of the owner, and, if the owner does not pay the tax, interest and penalties payable by him, together with such costs and charges as are incurred in the seizure and keeping of the property, within that period or extended period the property seized shall, unless otherwise ordered by the Minister, be sold by public auction.

(4) Except in the case of perishable goods, notice of the sale, setting forth the time and place thereof together with a general description of the property to be sold, shall, at a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation.

(5) Any surplus resulting from a sale under this section after deduction of the tax, interest and penalties owing and all costs and charges incurred in the seizing, keeping and sale of the property shall, as soon as possible after the sale, be paid to the owner of the property seized.

Exempt
property

(6) Any property of any person in default that would be exempt from seizure under a writ of execution issued out of a court in Ontario is exempt from seizure and sale under this section.

Lien
for tax

46. Any amount payable as tax, interest or penalties under this Act by any person is a lien in favour of the Crown against all property, other than real property, owned by that person, and the lien may be enforced by seizure and sale in the manner prescribed in section 45.

Lien on
real
property

47.—(1) Where tax, interest or penalties are payable by any person under this Act, the Minister may file or cause to be filed in the proper registry office or office of land titles, as the case may be, a certificate of lien in prescribed form against real property of which that person is the registered owner setting out a description of the real property and the amount of tax, interest and penalties owing by that person, and, upon the certificate being filed, the interest of that person in the land described therein is subject to a lien in favour of the Crown for the amount owing, subject to any other interests or encumbrances filed prior thereto, and the lien may be enforced in the same manner as a judgment of the Supreme Court in respect of which a certificate of judgment has been filed.

Withdrawal
of lien

(2) Upon application therefor made to the Minister, in any case where subsequent to the filing of any certificate of lien under subsection 1, the lien is discharged or withdrawn, whether by payment in full of the amount thereof or in any other manner, the Minister shall issue to the person by whom the application is made a certificate of discharge or withdrawal of the lien.

Security
for payment

48. The Minister may, if he considers it advisable in a particular case, accept security for payment of tax, interest or penalties under this Act by way of a mortgage or other charge on property of the person by whom the tax, interest or penalties are payable, or on property of any other person, in the form of a guarantee from any other person or in any other form prescribed by the regulations.

Appointment
of evaluators,
etc.

49. The Minister may appoint or retain any person to make or assist in the making of any evaluation required for the purposes of this Act, and may fix and authorize the payment of the compensation to be paid to the person in respect thereof.

Administra-
tion of oaths

50. Any officer or servant employed in connection with the administration or enforcement of this Act, if he is designated

by the Lieutenant Governor for the purpose, may, in the course of his employment, administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or the regulations, and every officer or servant so designated has for those purposes all the powers of a commissioner under *The Commissioners for Taking Affidavits Act*. R.S.O. 1970,
c. 72

51.—(1) Any person so authorized in writing by the Minister, ^{Inspection} for any purpose relating to the administration or enforcement of this Act, may, at any reasonable time, enter any premises or place and inspect and examine any property, including any books, records, writing or other documents, kept therein and,

(a) require the owner, occupier or person in charge of the premises or place to give him all reasonable assistance in connection with his inspection or examination and to answer all proper questions relating to the inspection or examination, and, for that purpose, require the owner, occupier or person in charge of the premises or place to attend at the premises or place with him; and

(b) if, during the course of the inspection or examination, it appears to him that an offence under this Act has been committed, seize and take away any books, records, writings or other documents and retain them until their production in any court proceedings is required.

(2) The Minister may, for any purpose relating to the ^{Requirement of additional information} administration or enforcement of this Act, by registered letter or by demand served on the person, require a person, within such reasonable time as is stipulated in the letter or demand,

(a) to provide any information or additional information, or to submit any return or supplementary return to the Minister; or

(b) to produce to the Minister any book, record, writing or other document.

(3) The Minister may, for any purpose relating to the ^{Inquiry} administration or enforcement of this Act, authorize any person, whether or not he is an officer employed under the Minister, to make such inquiry as the Minister deems necessary with reference to anything relating to the administration or enforcement of this Act.

Copies as
evidence

(4) Where any book, record, writing or other document is seized, inspected, examined or produced in accordance with this section, the person by whom it is seized, inspected or examined or to whom it is produced, or any officer employed under the Minister, may make or cause to be made one or more copies thereof and shall, upon request by the person from whom the original document was seized or by whom it was produced, in any case where a copy thereof has been made pursuant to this section, send a copy thereof to the person or, if no copy thereof has been made pursuant to this section, allow the person at any reasonable time to have access to the document so seized or produced, and a document purporting to be certified by the Minister or a person so authorized by him to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Prohibition

(5) No person shall hinder, molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and notwithstanding any other Act or law, every person shall, unless he is unable to do so, do everything he is required by or under this section to do.

Powers of
person
making
inquiry

1971, c. 49

(6) For the purpose of any inquiry made under subsection 3, the person authorized to make the inquiry has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies as if such inquiry were an inquiry under that Act.

Communica-
tion of
information

52.—(1) Except as authorized by this section, no official or authorized person shall,

- (a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Officials
not compen-
sable as
witnesses

(2) Notwithstanding any other Act, but subject to subsection 3, no official or authorized person shall be required, in connection with any legal proceedings,

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or

- (b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(3) Subsections 1 and 2 do not apply in respect of,

Exceptions
for legal
proceedings

- (a) criminal proceedings under any Act of the Parliament of Canada; or
- (b) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or
- (c) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax.

(4) An official or authorized person may, in the course of his duties in connection with the administration or enforcement of this Act,

Exception
for internal
administra-
tion

- (a) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes and information obtained by or on behalf of the Minister for the purposes of this Act; and
- (b) allow an official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(5) Notwithstanding anything in this Act, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

Exception
for
objection
of appeals,
etc.

- (a) the person from whom the book, record, writing, return or other document was obtained; or
- (b) any person,
 - (i) for the purposes of any objection or appeal that has been or may be taken by that person under this Act arising out of any assessment of tax, interest or penalties under this Act in respect

of property comprising a gift in connection with which the book, record, writing, return or other document was obtained, or

- (ii) by whom any amount payable under this Act on or in respect of the gift is payable or has been paid,

or the legal representative of any person mentioned in clause *a* or *b* or the agent of any such person authorized in writing in that behalf.

Exception
for tax
enforcement
in other
jurisdictions

(6) Notwithstanding anything in this Act, the Minister may permit information or a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

- (a) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purposes of administration of any Act of the Parliament of Canada imposing any tax or duty; or
- (b) a minister of the government of any province of Canada or officer or employee employed under that minister, for the purposes of administering and enforcing an Act of the Legislature of that province imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of another province, as the case may be, is permitted to give to the Minister information or copies of any book, record, writing, return or other document obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province, as the case may be, in the administration or enforcement of that Act for the purposes of the administration of this Act.

Procedure
and
evidence
R.S.O. 1970
c. 217

53. The provisions of section 47 of *The Income Tax Act* relating to procedure, evidence and other matters provided therein are applicable *mutatis mutandis* to this Act.

Agreements
with other
governments

54.—(1) With the approval of the Lieutenant Governor in Council, the Minister may enter into agreements with the Government of Canada and the government of any other province of Canada,

- (a) respecting the administration of this Act and the collection of tax, interest and penalties under this Act by the Government of Canada and officials thereof

and the remitting of tax, interest and penalties so collected to the Treasurer of Ontario and the remuneration to be paid to the Government of Canada with respect thereto;

- (b) respecting the obtaining of information and copies of books, records, writings, returns and other documents relating to gifts and the valuation of property from other sources and the release of information and copies of books, records, writings, returns and other documents obtained by or on behalf of the Minister for the purposes of this Act to the Government of Canada or the governments of other provinces of Canada or both;
- (c) respecting reciprocal arrangements whereby notwithstanding the other provisions of this Act the Minister will allow a reduction of or deduction from the tax, interest and penalties payable under this Act to the extent of any corresponding reduction of or deduction from gift tax, interest and penalties payable under the laws of the reciprocating province in respect of certain classes of property and certain classes of donors or donees.

(2) Where an agreement is entered into under subsection 1 ^{Transfer of powers and duties} between the Minister and the Government of Canada respecting the administration and collection of tax, interest and penalties, the minister of the Government of Canada who under the agreement is authorized to act for the Government of Canada in the administration of this Act and the collection of tax, interest and penalties may employ and exercise all the powers and perform all the duties of the Minister under this Act.

(3) Where an agreement is entered into under subsection 1 ^{Powers of Deputy Minister, etc.} between the Minister and the Government of Canada respecting the administration of this Act and the collection of tax, interest and penalties, the deputy of the minister of the Government of Canada who, under the agreement, is authorized to act for the Government of Canada in the administration of this Act and the collection of tax, interest and penalties, may,

- (a) employ and exercise all the powers and perform all the duties of the Minister that the minister of the Government of Canada mentioned in subsection 2 may employ, exercise or perform under this Act; and
- (b) designate officers of his department to carry out such functions, duties and powers as are similar to those that are exercised by them on his behalf under

laws enacted by the Parliament of Canada imposing tax and delegating those functions, duties and powers to those officers of his department.

False
statements,
etc.

55.—(1) Every person who,

- (a) makes, or assents to or acquiesces in the making of a false or deceptive statement in a return, certificate, statement or answer filed or made as required by or under this Act or the regulations;
- (b) to evade payment of any amount of tax, interest, or penalties under this Act, destroys, alters, mutilates, hides or otherwise disposes of any book, record or other document;
- (c) makes, or assents to or acquiesces in the making of, a false or deceptive entry in, or omits or assents to or acquiesces in the omission to enter a material particular in, any book, record or other document;
- (d) wilfully, in any manner, evades or attempts to evade compliance with this Act or the payment of tax, interest or penalties payable under this Act; or
- (e) conspires with any person to commit an offence described in clauses *a* to *d* inclusive,

is guilty of an offence and on summary conviction is liable, in addition to any penalty otherwise provided in this Act, except section 56, to a fine of not less than \$100 and not more than \$10,000 or to imprisonment for a term not exceeding two years, or to both.

Saving
provision

(2) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade the payment of tax, he is not liable to pay a penalty under section 39 or 40 for the same evasion or attempt unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made.

Offences
and
penalties

56. Every person who fails to comply with or contravenes any provision of this Act or the regulations is guilty of an offence and, if no other penalty is provided therefor, is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months, or to both.

Officer of
corporation
involved in
offence

57. Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated

in the commission of the offence is a party to and guilty of the offence and liable, on summary conviction, to the penalty provided for the offence whether or not the corporation has been or is prosecuted for or convicted of the offence.

58.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing anything that by this Act is to be prescribed or is to be determined or regulated by regulation;
- (b) prescribing the nature of the evidence required to establish facts relevant to assessments under this Act;
- (c) authorizing any designated officers or classes of officers to exercise powers or perform duties of the Minister under this Act;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act, or to supply a copy of the information return or of a prescribed portion thereof to a person or persons in respect of whose liability under this Act the information return or portion thereof relates.

(2) A regulation made under subsection 1 may be made ^{Retroactive regulations} effective retroactively to a date not earlier than the 1st day of January, 1972.

59. Subject as otherwise provided herein, this Act applies, ^{Application of Act}

- (a) to and in respect of gifts made after the 31st day of December, 1971; and
- (b) to and in respect of donors and donees of gifts made after the 31st day of December, 1971.

60. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

61. This Act may be cited as *The Gift Tax Act, 1972*.

Short title

SCHEDULE I

Calculation of Tax on Basis of Aggregate Taxable Value

1. Where the aggregate taxable value of gifts made in the year does not exceed \$25,000, the tax is 15 per cent of that aggregate taxable value.
2. Where the aggregate taxable value of gifts made in the year exceeds \$25,000 but does not exceed \$50,000, the tax is \$3,750 plus 20 per cent of the amount by which that aggregate taxable value exceeds \$25,000.
3. Where the aggregate taxable value of gifts made in the year exceeds \$50,000 but does not exceed \$75,000, the tax is \$8,750 plus 25 per cent of the amount by which that aggregate taxable value exceeds \$50,000.
4. Where the aggregate taxable value of gifts made in the year exceeds \$75,000 but does not exceed \$100,000, the tax is \$15,000 plus 30 per cent of the amount by which that aggregate taxable value exceeds \$75,000.
5. Where the aggregate taxable value of gifts made in the year exceeds \$100,000 but does not exceed \$125,000, the tax is \$22,500 plus 35 per cent of the amount by which that aggregate taxable value exceeds \$100,000.
6. Where the aggregate taxable value of gifts made in the year exceeds \$125,000 but does not exceed \$150,000, the tax is \$31,250 plus 40 per cent of the amount by which that aggregate taxable value exceeds \$125,000.
7. Where the aggregate taxable value of gifts made in the year exceeds \$150,000 but does not exceed \$200,000, the tax is \$41,250 plus 45 per cent of the amount by which that aggregate taxable value exceeds \$150,000.
8. Where the aggregate taxable value of gifts made in the year exceeds \$200,000, the tax is \$63,750 plus 50 per cent of the amount by which that aggregate taxable value exceeds \$200,000.

SCHEDULE II

Formula for calculating amount of consideration for purposes of
clause *b* of subsection 4 of section 7

$$Y - (\text{multiplier} \times .05 \times y) = (\text{multiplier} \times \text{annuity}) \\ - (\text{multiplier} \times .05 \times \text{value of property disposed of})$$

In this formula,

- (a) *y* is the amount of consideration referred to in clause *b* of subsection 4 of section 7;
- (b) annuity is the annual value of the annuity or periodic payment referred to in clause *b* of section 3;
- (c) the value of the property disposed of is the value of the property disposed of under the arrangement or understanding referred to in clause *b* of section 3; and

- (d) the multiplier is the present value, as determined in accordance with the regulations, of an annuity of one dollar per year on the life of a person of the same sex as the donor and of the same age as the donor was at the time the property was disposed of under the arrangement or understanding referred to in clause *b* of section 3.

(NOTE: Example—A person disposes of property of value of \$80,000 under an arrangement to receive an annuity of \$6,000 for life. The disposition took place when he was 85 years of age. If the present value of an annuity of one dollar per year for a person aged 85 and of the same sex as the deceased is 4.12 the formula can be expressed as follows:

$$y - (4.12 \times .05 \times y) = (4.12 \times 6000) - (4.12 \times .05 \times 80,000)$$

$$y - (.2060 y) = (24720 - 16480)$$

$$.7940 y = 8240$$

$$y = \frac{8240}{.7940}$$

$$y = 10,377.83$$

This consideration paid for the property disposed of is \$10,377.83.)

An Act to impose
a Gift Tax

1st Reading

March 28th, 1972

2nd Reading

April 13th, 1972

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

*(Reprinted as amended by
the Committee of the Whole House)*

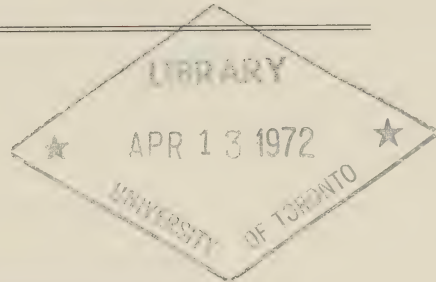
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Government
Publication

BILL 40

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Gasoline Tax Act

THE HON. A. GROSSMAN
Minister of Revenue

EXPLANATORY NOTE

The rate of tax on gasoline is increased from 18 cents per gallon to 19 cents per gallon effective March 29th, 1972, and the remuneration paid to persons charged with the collection of the tax is discontinued as of May 1st, 1972.

BILL 40

1972

An Act to amend The Gasoline Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Gasoline Tax Act*, being ^{s. 2 (1),} amended chapter 190 of the Revised Statutes of Ontario, 1970, is amended by striking out "18" in the third line and inserting in lieu thereof "19".

2. Clause *b* of section 3 of the said Act is repealed. ^{s. 3 (b),} repealed

3.—(1) This Act, except section 2, shall be deemed to have ^{Commence-} come into force on the 29th day of March, 1972. ^{ment}

(2) Section 2 comes into force on the 1st day of May, 1972. ^{Idem}

4. This Act may be cited as *The Gasoline Tax Amendment* ^{Short title} *Act, 1972.*

BILL 10

An Act to amend
The Gasoline Tax Act

1st Reading

March 28th, 1972

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

BILL 40

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Gasoline Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 40

1972

An Act to amend The Gasoline Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Gasoline Tax Act*, being ^{s. 2 (1),} amended chapter 190 of the Revised Statutes of Ontario, 1970, is amended by striking out "18" in the third line and inserting in lieu thereof "19".

2. Clause *b* of section 3 of the said Act is repealed. ^{s. 3 (b),} repealed

3.—(1) This Act, except section 2, shall be deemed to have ^{Commence-} come into force on the 29th day of March, 1972. ^{ment}

(2) Section 2 comes into force on the 1st day of May, 1972. ^{Idem}

4. This Act may be cited as *The Gasoline Tax Amendment* ^{Short title} *Act, 1972.*

An Act to amend
The Gasoline Tax Act

1st Reading

March 28th, 1972

2nd Reading

April 13th, 1972

3rd Reading

April 13th, 1972

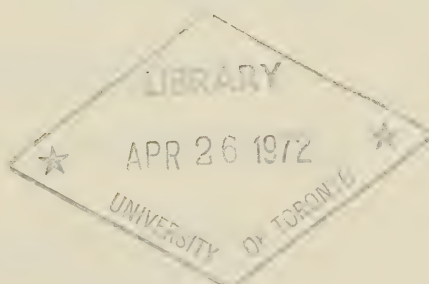
THE HON. A. GROSSMAN
Minister of Revenue

BILL 41

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Motor Vehicle Fuel Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 41

1972

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1 (a), re-enacted}

(a) “fuel” means any gas or liquid that may be used for the purpose of generating power by internal combustion, except such products as are excluded from this Act by the regulations.

(2) Clause *b* of the said section 1 is amended by striking ^{s. 1 (b), amended} out “to propel it” in the second line and inserting in lieu thereof “for generating power in the motor vehicle”.

(3) Clause *d* of the said section 1 is repealed and the ^{s. 1 (d), re-enacted} following substituted therefor:

(d) “motor vehicle” means a machine operated, propelled or driven otherwise than by muscular power.

(4) Clause *e* of the said section 1 is repealed and the following ^{s. 1 (e), re-enacted} substituted therefor:

(e) “purchaser” means a person who acquires or receives fuel for his own use or consumption or for the use or consumption by others at his expense, or on behalf of, or as agent for, a principal who desires to acquire the fuel for use or consumption by him or other persons at his expense.

(5) Clause *h* of the said section 1 is repealed.

<sup>s. 1 (h),
repealed</sup>

2.—(1) Subsection 1 of section 3 of the said Act is repealed ^{s. 3 (1), re-enacted} and the following substituted therefor:

Tax	(1) Every purchaser shall pay to the Treasurer a tax at the rate of 25 cents per imperial gallon on all fuel received or used in Ontario by him to generate power in a motor vehicle.
s. 3 (2), amended	(2) Subsection 2 of the said section 3 is amended by striking out "24" in the second line and inserting in lieu thereof "25", and by striking out "for the propulsion of" in the third line and inserting in lieu thereof "in".
s. 7 (3), amended	3. Subsection 3 of section 7 of the said Act is amended by striking out "and he may provide for the payment of such remuneration to the registrant as he deems appropriate" in the third and fourth lines.
s. 18 (1), re-enacted	4. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:
Refunds	(1) The Minister may refund the full tax imposed by this Act where the fuel on which the tax was paid was used exclusively in the business of farming or commercial fishing and may refund 17 cents per imperial gallon where the fuel on which the tax was paid was used for a purpose other than farming or commercial fishing, but no refund of tax may be made with respect to fuel used in a motor vehicle licensed or required to be licensed under <i>The Highway Traffic Act</i> or in connection with the construction or maintenance of a highway.
R.S.O. 1970, c. 202	
s. 21, amended	5. Section 21 of the said Act is amended by adding thereto the following clause:
	(e) prescribing uses of fuel for which a partial refund may not be given under subsection 1 of section 18.
Commence- ment	6. —(1) This Act, except section 3, shall be deemed to have come into force on the 29th day of March, 1972.
Idem	(2) Section 3 comes into force on the 1st day of May, 1972.
Short title	7. This Act may be cited as <i>The Motor Vehicle Fuel Tax Amendment Act, 1972</i> .



An Act to amend
The Motor Vehicle Fuel Tax Act

1st Reading

March 28th, 1972

2nd Reading

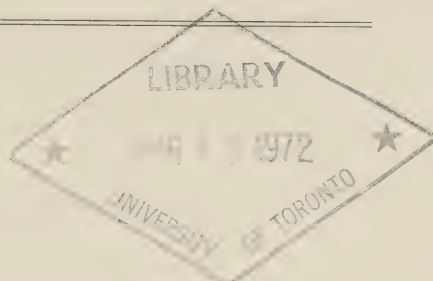
April 13th, 1972

3rd Reading

April 13th, 1972

THE HON. A. GROSSMAN
Minister of Revenue

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Land Transfer Tax Act

THE HON. A. GROSSMAN
Minister of Revenue

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment makes clear that “land” includes a right or interest in land.

Subsection 2. Section 4 of the Act requires an affidavit to be filed with a conveyance to show the amount of cash paid, the value of security included in the consideration, and the value of encumbrances to which the conveyance is subject. The amendment reflects these requirements by defining the “value of consideration” to include these items.

SECTION 2—The present tax imposed is one-fifth of 1 per cent on consideration up to \$25,000 and two-fifths of 1 per cent on the remainder. The tax is increased by $\frac{1}{10}$ of 1 per cent on the first \$25,000 and decreased by $\frac{1}{10}$ of 1 per cent on the next \$10,000. The tax is also increased by $\frac{1}{5}$ of 1 per cent on consideration in excess of \$35,000.

BILL 42

1972

An Act to amend The Land Transfer Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Land Transfer Tax Act*, ^{s. 1 (b),} ^{re-enacted} being chapter 235 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (b) “land” includes lands, tenements and hereditaments and any estate, right or interest therein, fixtures and goodwill.

(2) The said section 1 is amended by adding thereto the ^{s. 1,} ^{amended} following clause:

- (f) “value of the consideration” includes,

- (i) moneys paid in cash,
- (ii) the value of any property or security exchanged for the grant, assignment, conveyance or other transfer of the land,
- (iii) the value of any encumbrance, charge or other liability to which the land being granted, assigned, conveyed or otherwise transferred is subject at the time of registration.

2. Subsection 1 of section 2 of the said Act is repealed and ^{s. 2 (1),} ^{re-enacted} the following substituted therefor:

- (1) Every person who tenders for registration a conveyance, deed, transfer or other instrument or writing whereby any land is granted, assigned, conveyed or otherwise transferred shall pay a tax before the conveyance, deed, transfer, instrument or writing is registered, computed at a rate of three-tenths of 1 per cent upon the value of the consideration for the ^{Imposition} ^{of tax}

grant, assignment, conveyance or other transfer up to and including \$35,000 and six-tenths of 1 per cent upon the remainder.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

4. This Act may be cited as *The Land Transfer Tax Amendment Act, 1972*.



An Act to amend
The Land Transfer Tax Act

1st Reading

March 28th, 1972

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(*Government Bill*)

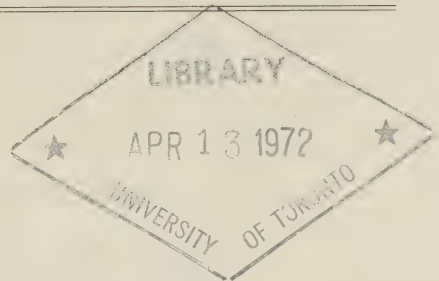
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Government
Publications

BILL 43

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Tobacco Tax Act

THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—The rate of tax on cigarettes is increased from four-tenths of 1 cent on every cigarette to 2.3 cents for every five cigarettes.

The rate of tax on tobacco is increased from 2.5 cents per ounce to 2.5 cents for every one-half of one ounce.

The rate of tax on cigars is increased from one-half of 1 cent for every 5 cents or part thereof of the price of a cigar to 1 cent on every cigar priced at not more than 7 cents; 2 cents on every cigar priced from 8 to 10 cents; 3 cents on every cigar priced from 11 to 15 cents; 4 cents on every cigar priced from 15 to 20 cents and 1 cent for each additional 5 cents that the price at retail exceeds 20 cents.

The new rates of tax are effective March 29th, 1972.

SECTION 2—The remuneration paid to persons charged with the collection of the tax is discontinued as of May 1st, 1972.

An Act to amend The Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Tobacco Tax Act*, being ^{s. 2 (1),} chapter 463 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(1) Every consumer shall pay to Her Majesty in right of ^{Tax on} Ontario a tax computed as follows:

- (a) 2.3 cents on every five cigarettes purchased by him, and where the number of cigarettes purchased is not five or a multiple thereof, the tax shall be pro-rated accordingly;
- (b) 2.5 cents for every one-half of one ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;
- (c) 1 cent on every cigar purchased by him for a price at retail of not more than 7 cents;
- (d) 2 cents on every cigar purchased by him for a price at retail of more than 7 cents but not more than 10 cents;
- (e) 3 cents on every cigar purchased by him for a price at retail of more than 10 cents but not more than 15 cents;
- (f) 4 cents on every cigar purchased by him for a price at retail of more than 15 cents but not more than 20 cents, and thereafter an additional 1 cent for each additional 5 cents that the price at retail exceeds 20 cents.

2. Clause *b* of section 16 of the said Act is repealed.

s. 16 (b),
repealed

Commence- ment	3. —(1) This Act, except section 2, shall be deemed to have come into force on the 29th day of March, 1972.
Idem	(2) Section 2 comes into force on the 1st day of May, 1972.
Short title	4. This Act may be cited as <i>The Tobacco Tax Amendment Act, 1972</i> .

An Act to amend
The Tobacco Tax Act

1st Reading

March 28th, 1972

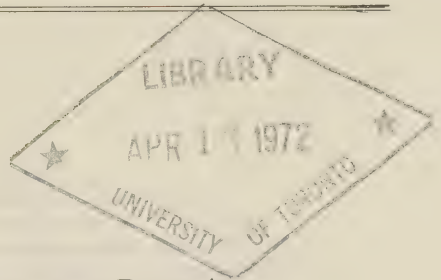
2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Succession Duty Act

THE HON. A. GROSSMAN
Minister of Revenue

EXPLANATORY NOTES

GENERAL. The amendments contained in this Bill are complementary to the Bill which imposes a tax on or in respect of gifts. For purposes of *The Succession Duty Act* a reduction or refund of duty, as the case may be, shall be made where gift tax has been paid on dutiable property.

SECTION 1. "Gift", "successor" and "succession" are defined for purposes of establishing who is eligible to receive a reduction or refund of duty where gift tax has been paid.

BILL 44

1972

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Succession Duty Act*, being chapter 449^{s. 1, amended} of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(ia) "gift" includes a gift within the meaning of *The Gift Tax Act*, 1972, c. ...

.

(va) "succession" means, as the case requires,

(i) the property of the deceased to which the successor becomes beneficially entitled, or

(ii) the acquisition by a successor of any property of the deceased by reason of the death of the deceased or a successor's becoming beneficially entitled to property of a deceased by reason of the death of the deceased;

(vb) "successor" in relation to any property of the deceased includes any person who, at any time before or on or after the death of the deceased became or becomes beneficially entitled to any property of the deceased,

(i) by virtue of, or conditionally or contingently on, the death of the deceased, or

(ii) by virtue of the exercise of any general power of which the deceased was the donee or other holder, or

(iii) in any case, under any disposition made by the deceased during his lifetime, or

- (iv) by virtue of the application in respect of the death of the deceased of any law of Canada or a province of Canada providing for relief of dependants of deceased persons,

and includes,

- (v) any person beneficially entitled to any property of the deceased in default of the exercise of any general power of which the deceased was the donee or other holder,
- (vi) any person as the donee or other holder of any general power created by the deceased in respect of any property of the deceased, and
- (vii) any trustee, guardian, committee, curator or other similar representative of any person mentioned in this clause, in his capacity as trustee, guardian, committee, curator or other representative.

s. 3,
amended

2. Section 3 of the said Act is amended by adding thereto the following subsection:

Value of gift

- (7) Notwithstanding any other provision of this Act, the value of any property that comprises a gift made by the deceased prior to his death and that is part of the property of the deceased, shall be deemed to be the aggregate of its value otherwise determined under this Act and the amount of tax, if any, under Part IV of the *Income Tax Act* (Canada) as it was prior to the 1st day of January, 1972, or under *The Gift Tax Act, 1972*, or under an Act of any province of Canada imposing tax on gifts, that was paid by the deceased, or that was payable by him at the time of his death, in respect of the gift.

1970-71,
c. 63 (Can.)
1972, c. ...

s. 5 (1) (g),
re-enacted

3.—(1) Clause *g* of subsection 1 of section 5 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 1, subsection 1, is repealed and the following substituted therefor:

- (g) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise.

SECTION 2. The amendment provides that the value of a dutiable gift includes the gift tax paid with respect to the gift.

SECTION 3. The amendment provides that where a disposition of property is made by the deceased, it will not be brought back into the estate unless it is made within the five-year period immediately prior to the date of the death of the deceased. Previously, the five-year period applied to dispositions made prior to January 1, 1972 and dispositions made after January 1, 1972 would be brought back unless made fifteen years prior to the death of the deceased.

SECTION 4. The amendment provides that a credit will be given under the Act for gift tax paid on dutiable property.

(2) Clause *ga* of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 1, subsection 2, is repealed. ^{s. 5 (1) (*ga*), repealed}

4. The said Act is amended by adding thereto the following section: ^{s. 9a, enacted}

9a.—(1) Where any part of the property of a succession to a successor was a gift on which gift tax was payable under Part IV of the *Income Tax Act* (Canada) as it was before the 1st day of January, 1972, or under *The Gift Tax Act, 1972*, or under an Act of any other province of Canada imposing a tax on gifts, the duty otherwise payable on the succession shall be reduced by the lesser of, ^{Reduction for gift tax}

(a) the duty payable on or in respect of the succession; or

(b) the gift tax paid or payable on or in respect of the gift.

(2) Where any part of the property of a succession to a successor was a gift on or in respect of which gift tax was paid under *The Gift Tax Act, 1972*, and the gift tax paid on or in respect of the gift exceeds the duty otherwise payable on or in respect of the succession, the Minister shall refund to the successor an amount equal to the difference between the gift tax paid on or in respect of the gift and the duty otherwise payable on or in respect of the succession. ^{Refund where gift tax exceeds duty}

5. This Act shall be deemed to have come into force on the 1st day of January, 1972. ^{Commencement}

6. This Act may be cited as *The Succession Duty Amendment Act, 1972*. ^{Short title}

An Act to amend
The Succession Duty Act

1st Reading

March 28th, 1972

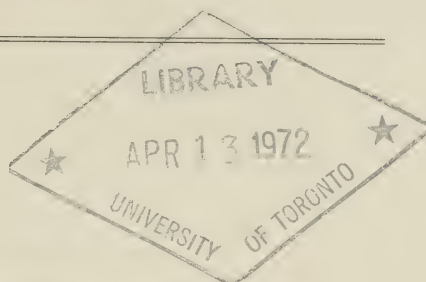
2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(*Government Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Security Transfer Tax Act

THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The clauses repealed authorize the making of regulations to provide for the payment of commission to collectors and for the purchase of security transfer tax stamps at a discount, the discount being the commission. All remuneration to collectors of tax will thus be abolished effective May 1st, 1972.

BILL 45

1972

**An Act to amend
The Security Transfer Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *d* and *e* of section 19 of *The Security Transfer Tax Act*, being chapter 427 of the Revised Statutes of Ontario, 1970, are repealed. <sup>s. 19 (*d, e*),
repealed</sup>

2. This Act comes into force on the 1st day of May, 1972. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Security Transfer Tax Amendment Act, 1972*. ^{Short title}

An Act to amend
The Security Transfer Tax Act

1st Reading

March 28th, 1972

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

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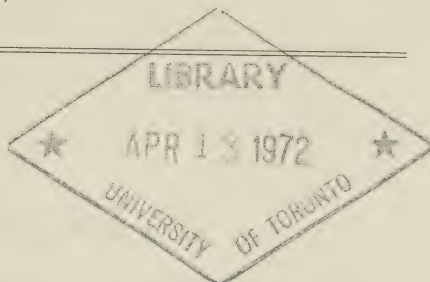
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BILL 46

Government Bill

**Government
Publications**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to repeal The Logging Tax Act

THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Logging Tax Act is repealed with respect to those fiscal periods ending on or after the 31st day of March, 1972.

BILL 46

1972

An Act to repeal The Logging Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Logging Tax Act*, being chapter 258 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 258,
repealed

2. Section 1 applies with respect to taxation years, as defined in *The Logging Tax Act*, ending on or after the 31st day of March, 1972. Application

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Logging Tax Repeal Act, 1972*. Short title

An Act to repeal
The Logging Tax Act

1st Reading

March 28th, 1972

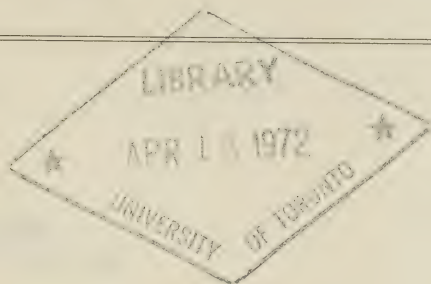
2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Race Tracks Tax Act

THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The clause repealed provided for the payment of remuneration to be prescribed by the regulations. The payment of remuneration to all collectors with respect to taxes collected on or after the 1st day of May, 1972, will be discontinued.

BILL 47

1972

**An Act to amend
The Race Tracks Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 10 of *The Race Tracks Tax Act*, being ^{s. 10 (d),} chapter 397 of the Revised Statutes of Ontario, 1970, is repealed. ^{repealed}

2. This Act comes into force on the 1st day of May, 1972. ^{Commence-}
^{ment}

3. This Act may be cited as *The Race Tracks Tax Amend-* ^{Short title}
ment Act, 1972.

An Act to amend
The Race Tracks Tax Act

1st Reading

March 28th, 1972

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)



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